



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-6074/P1

ALL:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 6.34 (1) (b), 6.87 (4) (a) 2., 16.84 (5) (d), 20.395 (2) (fq), 49.79
2 (9) (d) 1., 165.055 (3), 227.20 (3) (c), 227.46 (3) (a), 227.46 (8), 230.08 (2) (sb),
3 238.399 (3) (e), 601.83 (1) (b) and 601.85 (4); **to renumber** 227.138 (1) (a) to (h);
4 **to renumber and amend** 13.90 (3), 15.165 (2), 49.79 (9) (d) 2., 71.07 (7) (b),
5 71.365 (1), 108.04 (2) (a) 3. (intro.), 108.04 (2) (a) 3. a. to c., 108.04 (2) (b), 165.08,
6 165.25 (6) (a), 227.135 (2), 227.135 (4), 227.137 (3) (e), 227.138 (1) (intro.),
7 227.40 (3) (intro.), 227.40 (3) (a) and 343.50 (1) (c); **to consolidate, renumber**
8 **and amend** 6.34 (1) (intro.) and (a) and 6.87 (4) (a) (intro.) and 1.; **to amend**
9 5.02 (6m) (f), 5.02 (21), 5.05 (13) (c), 5.05 (13) (d) 1., 5.60 (8) (am), 6.22 (2) (b),
10 6.22 (2) (e), 6.22 (4) (a), 6.22 (4) (c), 6.24 (2), 6.24 (4) (c), 6.24 (4) (d), 6.24 (4) (e),
11 6.25 (1) (b), 6.276 (1), 6.86 (1) (b), 6.865 (1), 6.87 (2), 6.87 (3) (d), 6.87 (4) (b) 1.,
12 6.88 (1), 6.97 (1), 7.08 (2) (d), 7.15 (1) (cm), 7.15 (1) (j), 8.12 (1), 8.12 (3), 10.02
13 (3) (b) 3., 10.06 (2) (d), 10.06 (2) (g), 11.0101 (32), 13.56 (2), 13.90 (2), 13.91 (1)
14 (c), 20.445 (1) (b), 20.455 (1) (gh), 20.455 (2) (gb), 20.455 (3) (g), 45.57, 49.175
15 (2) (a), 49.175 (2) (c), 71.05 (6) (a) 14., 71.07 (7) (c), 71.36 (1), 73.03 (71), 77.51

(13g) (intro.), 106.05 (2) (b) (intro.), 106.05 (3) (a), 106.13 (3m) (b) (intro.), 106.18, 106.26 (3) (c) (intro.), 106.272 (1), 106.273 (3) (a) (intro.), 106.273 (3) (b), 106.275 (1) (a), 108.04 (2) (a) (intro.), 108.04 (2) (a) 1., 108.04 (2) (a) 2., 108.04 (2) (bm), 165.10, 165.25 (1), 165.25 (1m), 227.01 (13) (intro.), subchapter II (title) of chapter 227 [precedes 227.10], 227.11 (title), 227.13, 227.135 (3), 227.137 (2), 227.137 (4), 227.138 (2), 227.185, 227.20 (3) (a), 227.24 (1) (e) 1d., 227.24 (1) (e) 1g., 227.40 (1), 227.40 (2) (intro.), 227.40 (2) (e), 227.40 (3) (b) and (c), 227.40 (4) (a), 227.40 (6), 227.46 (1) (h), 227.46 (2), 227.46 (2m), 227.47 (1), 227.57 (11), 238.02 (1), 238.02 (2), 238.02 (3), 238.399 (3) (a), 281.665 (5) (d), 343.50 (3) (b), 601.83 (1) (a), 601.83 (1) (g), 601.83 (1) (h), 801.50 (3) (b), 806.04 (11), 809.13 and subchapter VIII (title) of chapter 893 [precedes 893.80]; **to create** 5.02 (12n), 5.02 (15m), 13.103, 13.124, 13.127, 13.365, 13.48 (24m), 13.90 (3) (a) and (b), 15.07 (1) (b) 24., 15.165 (2) (d) and (f) to (i), 16.42 (5), 16.84 (2m), 16.973 (15), 20.445 (1) (bz), 20.445 (1) (cg), 20.445 (1) (dg), 20.445 (1) (dr), 20.445 (1) (e), 20.445 (1) (fg), 20.445 (1) (fm), 20.940, 35.93 (2) (b) 3. im., 49.45 (2t), 49.45 (23b), 49.791, 71.05 (10) (dm), 71.07 (7) (b) 3., 71.21 (6), 71.365 (1) (b), 71.365 (4m), 71.775 (3) (a) 4., 73.03 (71) (d), 77.51 (13gm), 84.54, 86.51, 108.04 (2) (b) 1. (intro.), 108.04 (2) (b) 2. to 6., 108.04 (2) (bb), 108.04 (2) (bd), 165.07, 227.01 (3m), 227.05, 227.10 (2g), 227.11 (3), 227.112, 227.135 (1) (g), 227.135 (1) (h), 227.135 (2) (a) 2., 227.135 (4) (a) 1. to 6., 227.135 (6), 227.137 (2m), 227.137 (3) (e) 1. to 4., 227.137 (3m), 227.138 (1g), 227.18 (3m), 227.26 (2) (im), 227.47 (3), 238.04 (15), 238.399 (3) (am), 301.03 (16), 343.165 (8), 343.50 (1) (c) 2., 343.50 (3) (c), 601.83 (1) (i), 803.09 (2m) and 893.825 of the statutes; and **to affect** 2017 Wisconsin Act 59, section 9145 (4w); **relating to:** legislative power and duties, state agency and authority composition and operations,

1 administrative rule-making process, federal government waivers and
2 approvals, unemployment insurance work search and registration
3 requirements, and making an appropriation.

Analysis by the Legislative Reference Bureau

1.

Generally, under current law, an agency planning to promulgate an administrative rule, including an emergency rule, must first prepare a statement of the scope of the proposed rule (scope statement). A scope statement must be submitted to the Department of Administration for a determination as to whether the agency has the explicit authority to promulgate the rule as proposed in the scope statement. DOA must then report the statement and its determination to the governor who, in his or her discretion, may approve or reject the scope statement. Also under current law, after a proposed administrative rule, including an emergency rule, is in final draft form, the agency promulgating the proposed rule must submit the proposed rule to the governor, who may approve or reject the proposed rule. No agency may promulgate an administrative rule without the written approval of the governor.

In *Coyne v. Walker*, 2016 WI 38, the Wisconsin Supreme Court held that provisions requiring gubernatorial approval of scope statements and rules are unconstitutional as applied to the superintendent of public instruction.

Consistent with the result in *Coyne*, this bill exempts rules promulgated by the Department of Public Instruction from the requirements that a) a scope statement be submitted to DOA for a determination of authority and that the scope statement be approved by the governor and b) a proposed rule in final draft form be submitted to the governor and that the governor approve the rule in writing.

2.

This bill requires a state agency to provide a statutory or administrative rule citation for any statement or interpretation of law that the agency provides in its informational materials.

3.

This bill allows the legislature to request an independent retrospective economic impact analysis (EIA) for a rule.

Under current law, either cochairperson of the Joint Committee for Review of Administrative Rules may request an independent EIA for a proposed rule after an agency submits its EIA for that proposed rule. Such a request by the senate cochairperson of JCRAR requires approval by the Committee on Senate Organization, and a request by the assembly cochairperson requires approval by the Committee on Assembly Organization. Current law requires the requester to enter into a contract to perform the independent EIA, and requires the analysis to be completed within 60 days after entering into the contract. Under current law, an independent EIA is paid for by the agency if the independent EIA's cost estimate for

the proposed rule varies by 15 percent or more from the agency's EIA, and is paid for by the legislature if the independent EIA's cost estimate for the proposed rule varies by less than 15 percent from the agency's EIA.

Also under current law, either cochairperson of JCRAR may request an agency to conduct a retrospective EIA for existing rules, which must contain certain information and analysis about the economic impact of the agency's existing rules. This bill allows either cochairperson of JCRAR to request an independent retrospective EIA for a rule within 90 days after an agency submits a retrospective EIA for the rule. The bill specifies that a request for an independent retrospective EIA for a rule follows the same procedure and payment method as a request for an independent EIA for a proposed rule.

4.

This bill allows pass-through entities to elect to be taxed at the entity level for purposes of the state's income and franchise taxes.

Under current law, pass-through entities, such as tax-option corporations and partnerships, are generally not subject to the income or franchise tax at the entity level. Rather, any item of income, loss, or deduction flows through to their shareholders, partners, or members, who are then subject to tax.

The bill allows tax-option corporations and partnerships, including limited liability companies and other entities that are treated as partnerships under federal tax law, to elect to be taxed at the entity level for purposes of the income and franchise taxes. An entity that makes the election is taxed at a rate of 7.9 percent on its net income that is reportable to Wisconsin, and the situs of income is determined as if the election was not made. The entity may not claim losses and tax credits except for the credit for taxes paid to other states. The bill also provides that the adjusted basis of the entity's partners, shareholders, or members is determined as if the election was not made. If the entity fails to pay the taxes due, the Department of Revenue may collect the amount from the entity's partners, shareholders, or members. Persons who hold more than 50 percent ownership of the pass-through entity must consent to the election and must consent to any revocation of the election. The bill allows the election to be made for taxable years beginning in 2018 for tax-option corporations and 2019 for other entities.

5.

This bill requires the Department of Veterans Affairs to submit to the Joint Committee on Finance a notification of any transfers of funds from the unencumbered balance of certain appropriations for veterans homes to the veterans trust fund or the veterans mortgage loan repayment fund. Current law allows those transfers to be made without any notification.

6.

Under current law, no later than September 15 of each even-numbered year, each executive state agency must file with DOA the agency's budget request for the succeeding biennium. This bill requires each agency to include with its biennial budget request a report that lists each fee the agency is authorized to charge. The report must also include the following:

1. The amount of each fee or the method of calculating the fee if there is no fixed amount.
 2. An identification of the agency's statutory authority to charge each fee.
 3. A statement whether or not the agency currently charges the fee.
 4. A description of whether and how each fee has changed over time.
 5. Any recommendation the agency has concerning each fee.
- The bill defines "fee" as any amount of money other than a tax that an agency charges a person other than a governmental entity.

7.

Under current law, the Department of Transportation may make transfers of state and federal funding between highway programs. This bill eliminates this authority.

8.

This bill increases the size of the Group Insurance Board by four members. The new members are appointed, respectively, by the speaker of the assembly, the assembly minority leader, the senate majority leader, and the senate minority leader. The bill also provides that the six members appointed by the governor for two-year terms are subject to senate confirmation.

9.

This bill requires the Building Commission to establish an amortization schedule for each short-term, general obligation debt authorized by the commission. The amortization schedule must provide that a portion of the principal amount of the debt is retired annually over the life of the improvement or asset to which the debt is related. An amortization schedule established as required under the bill may not be modified except as authorized by JCF under passive review.

10.

Under current law, the Department of Children and Families is directed to allocate in each fiscal year specific amounts of money, including federal moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs (commonly known as the TANF schedule). Under current law, DCF may reallocate funds that are allocated for one purpose in the TANF schedule for any other purpose in the TANF schedule if the secretary of administration approves the reallocation. Also under current law, if the TANF moneys received from the federal government are less than the amounts appropriated for the purposes under the TANF schedule, DCF is required to create a plan for reducing the amounts of moneys allocated under the TANF schedule and to carry it out if the secretary of administration approves the plan. This bill replaces the authority of the secretary to approve a reallocation or a plan to reduce the moneys allocated under the TANF schedule with passive review by JCF.

11.

This bill separates a single appropriation to the Department of Workforce Development for various workforce training programs, commonly referred to as the Fast Forward program, into a separate appropriation for each program. The bill

appropriates the following amounts for each of the following programs for fiscal year 2018-19:

1. Career and technical education incentive grants — \$3,500,000
2. Technical education equipment grants — \$500,000
3. Teacher development program grants — \$0
4. Apprenticeship programs — \$225,000
5. Local youth apprenticeship grants — \$2,233,700
6. Employment transit assistance grants — \$464,800
7. Youth summer jobs programs in 1st class cities (currently only the city of Milwaukee) — \$422,400

Under the bill, DWD may request that JCF transfer moneys from the Fast Forward appropriation account to the appropriation accounts for the teacher development program grants and local youth apprenticeship grants to fund those grant programs.

The bill also converts the Fast Forward appropriation from a continuing appropriation to an annual appropriation.

12.

Under current law, DOA contracts with a vendor to provide web-based technology services through a web portal to state agencies, state authorities, units of the federal government, local governmental units, tribal schools, individuals, and entities in the private sector. Revenue received from the fees charged for certain services provided through the self-funded web portal is disbursed as payment to the vendor.

This bill requires DOA to submit to JCF and the legislature by October 1 of each year a report on the administration of the self-funded portal. The report must include the following information: 1) a financial statement of state revenues and expenditures; 2) a list of services available; 3) fees charged for each service; 4) the activity level of each service; and 5) any other information that DOA determines is appropriate to include.

13.

This bill eliminates the power of the attorney general to appoint a solicitor general and up to three deputy solicitors general, each of whom must be licensed to practice law in this state. The effect of the bill is to eliminate the Office of the Solicitor General in the Department of Justice, which represents the state in certain cases on appeal in state and federal courts.

14.

Under current law, the board of directors of the Wisconsin Economic Development Corporation consists of 12 voting members as follows:

1. Six members are appointed by the governor subject to senate confirmation, to serve at the pleasure of the governor.
2. Three members are appointed by the speaker of the assembly, consisting of one majority and one minority party representative to the assembly and one person employed in the private sector, all of whom serve at the speaker's pleasure.

3. Three members are appointed by the senate majority leader, consisting of one majority and one minority party senator and one person employed in the private sector, all of whom serve at the majority leader's pleasure.

Under this bill, the board consists of 18 members. The speaker of the assembly and the senate majority leader each appoint five members to the board, and the appointees need not be members of the legislature nor employed in the private sector. Also, under the bill, the minority leader of each house appoints one member to the board. The membership appointed by the governor remains unchanged.

The bill further provides that the chief executive officer of WEDC is appointed by the board of directors of WEDC and serves at the pleasure of the board. Currently, the governor appoints the CEO.

15.

This bill requires the presidential preference primary to be held on the second Tuesday in March rather than the first Tuesday in April.

16.

Under current law, a qualified elector may apply for an absentee ballot in-person no earlier than the third Monday preceding the election and no later than the Friday preceding the election. Under this bill, a qualified elector may apply for an absentee ballot in-person no earlier than the third Saturday preceding the election and no later than the Friday preceding the election.

17.

This bill requires a party that alleges that a statute is unconstitutional, or in violation of or preempted by federal law, to serve the speaker of the assembly, the president of the senate, and the senate majority leader with a copy of the proceeding. The bill also requires that, in such cases, the assembly, the senate, and the Joint Committee on Legislative Organization (JCLO) are entitled to be heard, representing the legislature and the state.

Under current law, if a statute, ordinance, or franchise is alleged to be unconstitutional, the attorney general must be served with a copy of the proceeding and be entitled to be heard. This requirement exists in the statutes for declaratory judgment acts under s. 806.04 (11). The Wisconsin Supreme Court has also extended the requirement to other types of actions involving claims that a statute is unconstitutional. See *Kurtz v. City of Waukesha*, 91 Wis. 2d 103, 280 N.W.2d 757 (1979). This bill incorporates the *Kurtz* rule into the statutes and extends both the current statutory and *Kurtz* requirements of service and an opportunity to be heard to the legislature when a statute is alleged to be unconstitutional or in violation of or preempted by federal law.

The bill also provides that when a party challenges the constitutionality of a statute, facially or as applied, or challenges a statute as violating or preempted by federal law, as part of a claim or affirmative defense, the assembly, the senate, and JCLO have the right at any time to intervene and participate in the action and may also retain legal counsel other than DOJ. Under the bill, the Committee on Assembly Organization may intervene in the action, as well as obtain legal counsel, on behalf of the assembly; the Committee on Senate Organization may intervene in the action, as well as obtain legal counsel, on behalf of the senate; and JCLO may intervene in

the action, as well as obtain legal counsel, on behalf of the state. If JCLO determines that the interests of the state will be best represented by special counsel appointed by the legislature, JCLO must appoint special counsel to represent the state defendants and act instead of the attorney general. In these circumstances, special counsel has the powers of the attorney general with respect to the litigation to which special counsel has been appointed.

Under current law, DOJ deposits settlement funds that are not committed under the terms of the settlement into a DOJ appropriation and may spend the funds only after submitting a plan for the expenditure to JCF for passive review. If JCF does not schedule a meeting to review the proposed plan within 14 days, DOJ may expend the funds as provided in the plan. This bill requires that DOJ must deposit all settlement funds into the general fund. This bill also lapses all unencumbered settlement funds that are currently in the DOJ appropriation into the general fund.

Current law allows the attorney general to compromise or discontinue an action DOJ is prosecuting if the governor approves the compromise or discontinuance. This bill requires JCF to approve the compromise or discontinuance instead of the governor. Current law allows the attorney general to settle and compromise actions in which the attorney general is appearing for and defending the state as the attorney general determines to be in the best interest of the state. This bill requires that, if the action is for injunctive relief or there is a proposed consent decree, the attorney general must submit the settlement or compromise plan to JCF for passive review. If JCF does not schedule a meeting to review the plan within 14 days, the attorney general may proceed, but, if JCF does schedule a meeting, the attorney general may proceed only with the approval of JCF.

The bill further provides that the attorney general may not submit a proposed settlement plan to JCF in which the plan concedes the unconstitutionality or other invalidity of a statute without the approval of JCLO.

18.

Under current law, as the final step of the administrative rule process, an agency must file a certified copy of a rule with the Legislative Reference Bureau for publication. Filing a certified copy of a rule with the LRB creates a number of presumptions, including that the rule was duly promulgated by the agency and that all of the required rule-making procedures were complied with.

This bill eliminates the statutory presumptions that a rule was "duly" promulgated by the agency and that all of the required rule-making procedures were complied with.

19.

Under current law, DOR must determine the amount of additional revenue collected from the state sales and use tax as a result of any federal law that expands the state's authority to collect sales and use taxes from out-of-state retailers. After DOR makes that determination, it must then determine how much the individual income tax rates may be reduced in the following taxable year in order to decrease individual income tax revenue by the amount of additional sales and use tax revenue. Finally, DOR must certify its determinations to the secretary of administration, to the governor, and to the legislature and specify that the new individual income tax

rates will take effect in the following year. No further legislation is required to make this change.

The U.S. Supreme Court recently upheld a South Dakota law that required the collection of state sales and use taxes from any out-of-state seller that either conducts 200 or more transactions annually with consumers in the state or has annual sales in the state exceeding \$100,000. See, *South Dakota v. Wayfair, Inc.*, 585 U.S. ____ (2018). The *Wayfair* decision overturned longstanding precedent that prevented a state from collecting sales and use tax from out-of-state sellers that did not have a physical presence in the state. See, *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992).

This bill clarifies that the recent U.S. Supreme Court decision that expands a state's authority to collect sales and use taxes from out-of-state retailers triggers the determinations mentioned above. The bill also provides that the new individual income tax rates based on the determinations would not take effect automatically in the year following DOR's certification, but, instead, DOA, in consultation with DOR, would determine the new tax rates to take effect for the taxable year ending on December 31, 2019, and report its determinations to the governor, JCF, and the Legislative Audit Bureau. LAB would then review the determinations and report its findings to JCF and the Joint Legislative Audit Committee. If LAB's review results in a re-determination of the rates, JCF would determine which rates apply to the taxable year ending on December 31, 2019, and report its determination to the governor, the secretary of administration, and the secretary of revenue. Finally, the bill includes in the definition of a "retailer engaged in business in this state" any retailer that has annual gross sales into this state in excess of \$100,000 or an annual number of separate sales transactions into this state of 200 or more.

20.

Current law requires DOA, at the direction of JCLO, to lease or acquire office space for legislative offices or legislative service agencies. This bill requires instead that the cochairpersons of JCLO lease or acquire office space for legislative offices or legislative services agencies.

21.

Currently, representatives to the assembly and senators, as well as legislative employees, may receive legal representation from DOJ in most legal proceedings. Assembly and senate policies and practices also allow legislators and legislative employees to retain outside legal counsel in some instances.

With respect to the assembly, the bill provides that the speaker of the assembly may authorize a representative to the assembly or assembly employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the representative's or employee's duties. The speaker may also obtain outside legal counsel in any action in which the assembly is a party or in which the interests of the assembly are affected, as determined by the speaker.

With respect to the senate, the bill provides that the senate majority leader may authorize a senator or senate employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably

within the scope of the senator's or employee's duties. The majority leader may also obtain outside legal counsel in any action in which the senate is a party or in which the interests of the senate are affected, as determined by the majority leader.

Finally, the bill provides that the cochairpersons of JCLO may authorize a legislative service agency employee who requires legal representation to obtain outside legal counsel if the acts or allegations underlying the action are arguably within the scope of the employee's duties. The cochairpersons may also obtain outside legal counsel in any action in which the legislature is a party or in which the interests of the legislature are affected, as determined by the cochairpersons.

22.

Under current law, a state agency must prepare a fiscal estimate for each proposed rule, which must describe the fiscal effect of the proposed rule on local governmental fiscal liabilities and revenues, the fiscal effect of the proposed rule on state government, and, for rules that the agency determines may have a significant fiscal effect on the private sector, the anticipated costs that will be incurred by the private sector in complying with the rule. Also under current law, the agency must prepare an economic impact analysis for a proposed rule, which must contain certain specified information on the economic effect of the proposed rule on specific businesses, business sectors, public utility ratepayers, local governmental units, and the state's economy as a whole, as well as certain other information regarding the economic impact of the proposed rule.

This bill specifically requires an economic impact analysis for a proposed rule to be prepared and submitted separately from the fiscal estimate for the proposed rule.

23.

This bill provides that a plan submitted by an agency to the federal government for the purpose of complying with federal law (compliance plan) does not confer rule-making authority and cannot be used by an agency as authority to promulgate rules. The bill provides that no agency may agree to promulgate a rule as a component of a compliance plan unless the agency has explicit statutory authority to promulgate the rule at the time the compliance plan is submitted to the federal government.

24.

This bill requires the Department of Corrections to submit a report to the legislature upon request, and to post the report on its website, regarding individuals who, since the previous report or during a date range specified in the request, were pardoned or released from imprisonment before completing their sentences. The report must identify each individual by name, include the crime for which he or she was convicted, and provide the name of the person who pardoned the individual or authorized the early release. If an individual appears on a report requested under this bill and is subsequently convicted of a crime, this bill requires DOC to report also the name of that individual and the crime.

25.

This bill requires all executive branch state agencies, other than the Board of Regents of the University of Wisconsin System, to submit a quarterly report to JCF listing all state agency expenditures for state operations in the preceding calendar quarter. The report must specifically detail all expenditures for administrative supplies and services that are made at the discretion of or to be used by heads of state agencies, secretaries, deputy secretaries, assistant deputy secretaries, and executive assistants. Under the bill, "state operations" means all agency expenditures except aids to individuals and organizations and local assistance.

26.

Under current law, administrative rules that are in effect may be temporarily suspended by JCRAR. If JCRAR suspends a rule, JCRAR must introduce bills in each house of the legislature to make the suspension permanent. If neither bill to support the suspension is ultimately enacted, the rule may remain in effect and JCRAR may not suspend the rule again.

This bill provides that JCRAR may suspend a rule multiple times.

27.

Under current law, an agency may, by rule or by an order in a particular case, specify that the decision of a hearing examiner who conducts a hearing in a contested case proceeding is the final decision of the agency. This bill prohibits an agency from delegating the authority to issue a final decision in a contested case to a hearing examiner. This bill also requires that all final decisions of an agency must be approved, signed, and dated by the secretary of the agency.

28.

The bill provides that any individual nominated by the governor or another state officer or agency, and with the advice and consent of the senate appointed, to any office or position may not hold the office or position, be nominated again for the office or position, or perform any duties of the office or position during the legislative session biennium if the individual's confirmation for the office or position is rejected by the senate. Currently, there is no prohibition against the governor or another state officer or agency nominating the individual again for the office or position or appointing the individual to the office or position as a provisional appointment.

29.

This bill requires that WEDC obtain approval from JCF under passive review before WEDC designates a new enterprise zone under the enterprise zone tax credit program. The bill also eliminates any restriction on the number of enterprise zones WEDC may designate. Currently, WEDC may not designate more than 30 enterprise zones.

30.

This bill provides that for Southeast Wisconsin freeway megaprojects, major highway development projects, and certain state highway rehabilitation projects for which DOT spends federal money, federal money must make up at least 70 percent of the aggregate funding for those projects. The bill provides that if DOT determines that it cannot meet this requirement or that it can make more effective and efficient

use of federal money, DOT may submit a proposed alternate funding plan to JCF for review under its passive review procedure.

The bill requires DOT to notify political subdivisions receiving aid for local projects whether the aid includes federal moneys and how those moneys must be spent. The bill provides that, for projects that receive no federal money and that are reviewed and approved by a professional engineer or the county highway commissioner, DOT may not require political subdivisions to comply with any portion of DOT's facilities development manual other than design standards.

31.

Under current law, an applicant for a driver's license or identification card must provide to DOT 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation showing the applicant's date of birth, which may be the same as item 1; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States.

In 2015 and 2017, DOT promulgated rules, the first establishing and the second modifying, a procedure by which persons requesting free identification cards for the purpose of voter identification could receive these cards despite being unable to provide required documentary proof. In general, the procedure requires an applicant to provide DOT with either 1) the applicant's full legal name, date of birth, place of birth, and any other birth record information requested by DOT; or 2) the applicant's alien or U.S. citizenship and immigration service number or U.S. citizenship certificate number. DOT then shares this information with the Department of Health Services or the federal government for the purpose of verifying the applicant's identity. In general, a person may receive a voter identification card under this procedure if either DHS or the federal government verifies the person's identity or if DOT receives acceptable alternate documentation. This bill incorporates this verification procedure into the statutes.

DOT's 2017 rule also provided a procedure by which an applicant for an identification card could obtain a card with a name other than the name that appears on the applicant's supporting documentation. The bill also incorporates this procedure into the statutes.

Under current law, an unexpired identification card issued by an accredited university or college in this state may be used as identification for voting purposes if it contains a photograph and the signature of the person to whom it was issued, it expires no later than two years after the date of issuance, and the person establishes that he or she is enrolled as a student at the university or college on election day. The Government Accountability Board (now the Elections Commission) promulgated a rule to clarify that an identification card issued by a technical college that is governed by this state's technical college system may be used for voting purposes. The bill codifies the rule.

32.

Under current law, a claimant for unemployment insurance benefits is generally required to conduct searches for work each week to be eligible for unemployment benefits and to register for work. Current law provides that a claimant who is laid off is exempt from these requirements if the claimant reasonably expects to be reemployed by the former employer and DWD verifies that expectation. Administrative rules promulgated by DWD require DWD to grant a claimant a waiver of the work search and registration requirements for eight weeks if the claimant reasonably expects to be reemployed with the claimant's employer within that period and allow an additional four-week extension of that waiver. The rules also provide additional reasons a claimant may qualify for a waiver and require claimants for whom the requirements are not waived to provide verification of having complied with work search and registration requirements.

This bill eliminates DWD's authority to establish waivers from work search and registration requirements and codifies the current waivers contained in DWD's rules. However, the bill allows DWD to modify or eliminate a waiver, or to create additional waivers, if doing so is necessary to comply with federal law or is specifically allowed under federal law. The bill also codifies the requirement that a claimant provide verification of having complied with work search and registration requirements.

33.

This bill requires DOA to submit any proposed changes to security at the capitol, including the posting of a firearm restriction, to JCLO for approval under passive review.

34.

Under current law, the Department of Natural Resources administers the municipal flood control and riparian restoration program, which provides grants that pay a portion of the costs of facilities and structures for the collection and transmission of storm water, including the purchase of flowage and conservation easements on lands within floodways, and of floodproofing public and private structures located in the 100-year floodplain. Current law requires DNR to promulgate rules specifying eligibility criteria for projects and for determining which projects will receive financial assistance. However, under current law, during the 2017-19 fiscal biennium, DNR must consider an applicant to be eligible for such a grant if the project is funded or executed in whole or in part by the U.S. Army Corps of Engineers' small flood control projects program, and DNR must provide such an applicant with a cost-sharing grant not to exceed \$14,600,000. This bill extends this requirement to the 2019-21 biennium as well.

35.

This bill changes DOJ gifts and grants appropriations from continuing appropriations to annual appropriations.

36.

The bill a) requires committees appointed by agencies to provide advice with respect to rule making to submit a list of the members of the committee to JCRAR;

b) makes various changes with respect to the required content and preparation of statements of scope and EIAs for rules, including mandating minimum comment periods for EIAs for rules; c) prohibits an agency from submitting a statement of scope for a proposed rule to the LRB for publication in the register more than 30 days after the date of the governor's approval of the statement of scope without the approval of the governor; and d) codifies current practice by allowing an agency that intends to concurrently promulgate an emergency rule and a permanent rule that are identical in substance to submit one statement of scope indicating this intent.

37.

This bill modifies current law regarding the voting procedures for military and overseas electors so that the law is in substantial compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act. The bill also modifies current law so that an individual signing the witness certification for an absentee ballot cast by a military elector or overseas elector need not be a United States citizen.

The bill allows all overseas electors to receive absentee ballots electronically, regardless of whether such electors are considered permanently or temporarily overseas. Under the bill, an overseas elector is a U.S. citizen who is residing outside of the United States, who is not disqualified from voting, who has attained or will attain the age of 18 by the date of an election at which the citizen proposes to vote, who was last domiciled in this state or whose parent was last domiciled in this state immediately prior to the parent's departure from the United States, and who is not registered to vote or voting in any other state, territory, or possession.

38.

This bill 1) prohibits a court from according deference to agency interpretations of law in certain proceedings and prohibits agencies from seeking deference in any proceeding to agency interpretations of law; 2) establishes various requirements with respect to the adoption and use of guidance documents by agencies, including requirements that agencies must comply with in order to adopt guidance documents; and 3) provides that settlement agreements do not confer rule-making authority.

Generally under current law, when reviewing an agency decision in a contested case or other matter subject to judicial review under the law governing administrative procedure for state agencies, a court must accord due weight to the experience, technical competence, and specialized knowledge of the agency involved, as well as discretionary authority conferred upon it. Consistent with the Wisconsin Supreme Court's decision in *Tetra Tech EC, Inc. v. Wis. Dep't of Revenue*, 2018 WI 75, the bill limits this directive such that a court performing judicial review of such a decision must accord no deference to an agency's interpretation of law.

The bill also provides that no agency may seek deference in any proceeding based on the agency's interpretation of any law.

Subject to various exceptions, the bill defines "guidance document" as any formal or official document or communication issued by an agency, including a manual, handbook, directive, or informational bulletin, that 1) explains the agency's implementation of a statute or rule enforced or administered by the agency, including the current or proposed operating procedure of the agency; or 2) provides guidance

or advice with respect to how the agency is likely to apply any statute or rule enforced or administered by the agency, if that guidance or advice is likely to apply to a class of persons similarly affected.

The bill requires each agency to submit each proposed guidance document to the Legislative Reference Bureau for publication in the register and to provide a period for persons to submit written comments to the agency on the proposed guidance document. The agency must retain all written comments submitted during the public comment period and consider those comments in determining whether to adopt the guidance document as originally proposed, modify the proposed guidance document, or take any other action. The bill allows for a comment period of less than 21 days with the approval of the governor. The bill also requires each adopted guidance document, while valid, to remain available on the agency's Internet site and requires the agency to permit continuing public comment on the guidance document. Each guidance document must be signed by the head of the agency below a statement containing certain certifications.

The bill provides that a guidance document does not have the force of law and does not provide the authority for implementing or enforcing a standard, requirement, or threshold, including as a term or condition of any license. An agency that proposes to rely on a guidance document to the detriment of a person in any proceeding must afford the person an adequate opportunity to contest the legality or wisdom of a position taken in the guidance document, and an agency may not use a guidance document to foreclose consideration of any issue raised in the guidance document. The bill also contains other provisions with respect to agency use of and reliance upon guidance documents, allows certain persons to petition an agency to promulgate a rule in place of a guidance document, and makes guidance documents subject to the same judicial review provisions as apply to rules.

The bill requires the Legislative Council staff to provide agencies with assistance in determining whether documents and communications are guidance documents as defined in the bill.

The bill provides that, as of six months after the bill's effective date, any guidance document that does not comply with the requirements in the bill is considered to be rescinded.

The bill provides that a settlement agreement, consent decree, or court order does not confer rule-making authority and cannot be used by an agency as authority to promulgate rules. The bill provides that no agency may agree to promulgate a rule as a term in any settlement agreement, consent decree, or stipulated order of a court unless the agency has explicit statutory authority to promulgate the rule at the time the settlement agreement, consent decree, or stipulated order of a court is executed.

39.

This bill generally provides for legislative oversight of requests for federal approval. The bill prohibits a state, executive branch agency from submitting a request to a federal agency for a waiver or renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project unless legislation has been enacted specifically directing the submission of the request. For any legislation

enacted on or after January 1, 2011, that requires submission of a request that has not yet been submitted, the bill requires the applicable state agency to submit an implementation plan to JCF containing an expected timeline with an expected submission date to the federal agency no later than 90 days after the state agency submits the implementation plan to JCF, for which JCF may grant up to three 90-day extensions under its passive review process, and submit its final proposed request to JCF for approval.

Once the request has been submitted to the federal agency, the bill requires the state agency to do all of the following: make biweekly contact with the federal agency to continue negotiations, submit monthly progress reports to JCF on negotiations with the federal agency including descriptions of any portions of the request that the federal agency stated will not be approved, make available on a quarterly basis a representative of the state agency for JCF briefings or hearings, and submit the proposed approval as negotiated with the federal agency to JCF for approval or disapproval before agreeing with the final federal approval. When the federal agency has approved the request in whole or in part and the request has not been fully implemented, the state agency must submit an implementation plan to JCF, submit its final implementation plan to JCF for approval, and make available on a quarterly basis a representative of the state agency for JCF briefings or hearings.

No later than nine months before the expiration of an approved waiver, pilot program, or demonstration project, the state agency must notify JCF of the expiration date and the state agency's intent regarding renewal. If the state agency intends to renew the waiver, program, or project without substantive changes to it, the state agency is not required to comply with all of the procedures specified in the bill for renewal and instead may submit the proposed renewal request for review by JCF under its passive review process.

The chairpersons of JCF may delegate some of the committee's responsibilities under the bill to a legislative standing committee of appropriate subject matter jurisdiction under terms specified by the chairpersons. If JCF determines that the state agency has not made sufficient progress or is not acting in accordance with the enacted legislation requiring the submission of the request, JCF may reduce from moneys allocated for state operations or administrative functions the agency's appropriation or expenditure authority or change the authorized level of full-time equivalent positions for the agency related to the program for which the request is required to be submitted.

40.

This bill requires by statute DHS to implement the BadgerCare Reform waiver as it relates to childless adults as approved by the federal Department of Health and Human Services effective October 31, 2018. The 2015-17 and 2017-19 biennial budget acts required DHS to submit a waiver request to the federal DHHS authorizing DHS to take certain actions including imposing premiums on, requiring a health risk assessment of, and time-limiting eligibility for recipients of BadgerCare Plus under the childless adults demonstration project waiver. Effective October 31, 2018, the federal DHHS approved the BadgerCare Reform waiver

amendment and extension with some modifications from the request. The bill incorporates certain provisions of the federal approval into the statutes.

Under the bill, DHS must require childless adults demonstration project recipients who are at least 19 years of age but have not attained the age of 50 to participate in, document, and report 80 hours per calendar month of community engagement activities, unless they are exempt or have a temporary exemption for good cause. Qualifying community engagement activities are specified in the bill and include working for money, goods, or services, or as a volunteer, and participating in a program such as the FoodShare employment and training program or Wisconsin Works. DHS must require a recipient, as a condition of eligibility, to complete a health risk assessment and, if the recipient's household income exceeds 50 percent of the federal poverty line, pay a monthly premium of \$8 per household with some limited exceptions. The household premium is reduced if a recipient reports on the health risk assessment that he or she is not engaging in certain behaviors that increase health risks or is actively managing certain unhealthy behaviors. DHS must disenroll a recipient for six months if the recipient does not pay the required premium or, if the recipient is not exempt, does not participate for 48 aggregate months in the community engagement activity.

DHS must charge recipients an \$8 copayment for nonemergency use of the emergency department and must comply with other requirements imposed by the federal DHHS in its waiver approval effective October 31, 2018. The requirements in the bill must end no sooner than December 31, 2023, and the bill prohibits withdrawal of the requirements and DHS from requesting withdrawal, suspension, or termination of the childless adults demonstration project requirements before that date unless the legislation has been enacted specifically allowing for withdrawal, suspension, or termination.

The bill requires DHS to implement the childless adults BadgerCare Reform waiver by no later than November 1, 2019. If DHS is unable to fully implement the project reforms by November 1, 2019, DHS may request from JCF an extension not to exceed 90 days in a written submission that includes a report on the progress toward implementation of the project and the reason an extension is needed, which JCF will review under its 14-day passive review process. Similar to other waiver implementation requirements, if JCF determines that DHS has not complied with the implementation deadline, has not made sufficient progress in implementing the BadgerCare Reform waiver, or has not complied other requirements under this bill relating to approved waiver implementation, JCF may reduce from moneys allocated for state operations or administrative functions DHS's appropriation or expenditure authority, whichever is applicable, or change the authorized level of full-time equivalent positions for DHS related to the Medical Assistance program.

41.

This bill incorporates the provisions of chapter DHS 38 of the Wisconsin Administrative Code into the statutes. 2015 Wisconsin Act 55, the biennial budget act for the 2015-16 legislative session, required DHS to promulgate rules to develop and implement a screening, testing, and treatment policy and then to screen and test for illegal use of a controlled substance and treat for substance abuse able-bodied

adults who seek to participate in the FoodShare program's employment and training program known as FSET. DHS promulgated chapter DHS 38, Wis. Adm. Code, regarding substance abuse screening, testing, and treatment for certain department employment and training programs. The bill incorporates the specifications and requirements of that DHS rule into the statutes, requires implementation of the screening, testing, and treatment by October 1, 2019, and requires DHS to follow requirements in this bill as if the screening, testing, and treatment is an approved waiver. In summary, the provisions of the rule and the bill require an agency that is administering FSET to require able-bodied adults who are subject to a work requirement to participate in FoodShare and who seek to participate in FSET to fulfill that work requirement to undergo screening for use of a controlled substance without a prescription, testing for use of a controlled substance in certain circumstances, and treatment, if applicable, for use of the controlled substance in order to be eligible to participate in FSET.

42.

2017 Wisconsin Act 138 required the commissioner of insurance to administer a state-based reinsurance program, the Wisconsin Healthcare Stability Plan (known as WIHSP), and allowed the commissioner to request a waiver under federal law to implement the plan. Under current law, WIHSP makes a reinsurance payment to a health insurance carrier if the claims for an individual who is enrolled in a health benefit plan with that carrier exceed a threshold amount in a benefit year. The federal DHHS approved the commissioner's waiver request under specific terms and conditions dated July 29, 2018. The bill requires the commissioner to administer WIHSP in accordance with those specific terms and conditions. The bill prohibits the commissioner from requesting modification, suspension, withdrawal, or termination of the waiver unless legislation has been enacted directing the modification, suspension, withdrawal, or termination. The bill requires the commissioner to complete and submit any reports, provide any information, and participate in any oversight activities required by the federal DHHS to implement and maintain WIHSP. The bill sets the payment parameters for WIHSP as specified by the federal approval for the 2019 benefit year and prohibits the commissioner from changing those payment parameters for the 2019 benefit year.

43.

This bill prohibits DHS from submitting an amendment to the state's Medical Assistance plan or implementing a change to the reimbursement rate for or making a supplemental payment to a provider under the Medical Assistance program without first submitting the proposed state plan amendment, rate change, or payment to JCF. If the state plan amendment, rate change, or payment has an expected fiscal effect of less than \$1,000,000 from all revenue sources over a 12-month period following the implementation date of the amendment, rate change, or payment, then the proposed state plan amendment, rate change, or payment is reviewed under JCF's 14-day, passive review process. If the expected fiscal effect is \$1,000,000 or more from all revenue sources over the 12-month period, DHS may submit the proposed state plan amendment, implement the rate change, or make the payment only upon approval by JCF. DHS is not required, however, to submit a

proposed rate change or supplemental payment to JCF under the bill if explicit expenditure authority or funding for the specific change or supplemental payment is included in enacted legislation.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.02 (6m) (f) of the statutes is amended to read:

2 5.02 (**6m**) (f) An unexpired identification card issued by a university or college
3 in this state that is accredited, as defined in s. 39.30 (1) (d), or by a technical college
4 in this state that is a member of and governed by the technical college system under
5 ch. 38, that contains the date of issuance and signature of the individual to whom it
6 is issued and that contains an expiration date indicating that the card expires no
7 later than 2 years after the date of issuance if the individual establishes that he or
8 she is enrolled as a student at the university or college on the date that the card is
9 presented.

10 **SECTION 2.** 5.02 (12n) of the statutes is created to read:

11 5.02 (**12n**) "Overseas elector" means a U.S. citizen who is residing outside of
12 the United States, who is not disqualified from voting under s. 6.03, who has attained
13 or will attain the age of 18 by the date of an election at which the citizen proposes to
14 vote, who was last domiciled in this state or whose parent was last domiciled in this
15 state immediately prior to the parent's departure from the United States, and who
16 is not registered to vote or voting in any other state, territory, or possession.

17 **SECTION 3.** 5.02 (15m) of the statutes is created to read:

18 5.02 (**15m**) "Presidential preference primary" means the primary held on the
19 2nd Tuesday in March to express preferences for the person to be the presidential

1 candidate for each party in a year in which electors for president and vice president
2 are to be elected.

3 **SECTION 4.** 5.02 (21) of the statutes is amended to read:

4 5.02 (21) "Spring election" means the election held on the first Tuesday in April
5 to elect judicial, educational and municipal officers, and nonpartisan county officers
6 and sewerage commissioners ~~and to express preferences for the person to be the~~
7 ~~presidential candidate for each party in a year in which electors for president and~~
8 ~~vice president are to be elected.~~

9 **SECTION 5.** 5.05 (13) (c) of the statutes is amended to read:

10 5.05 (13) (c) The commission shall maintain a freely accessible system under
11 which a military elector, as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined~~
12 ~~in s. 6.34 (1) (b),~~ who casts an absentee ballot may ascertain whether the ballot has
13 been received by the appropriate municipal clerk.

14 **SECTION 6.** 5.05 (13) (d) 1. of the statutes is amended to read:

15 5.05 (13) (d) 1. To permit a military elector, as defined in s. 6.34 (1) (a), or an
16 overseas elector, ~~as defined in s. 6.34 (1) (b),~~ to request a voter registration
17 application or an application for an absentee ballot at any election at which the
18 elector is qualified to vote in this state.

19 **SECTION 7.** 5.60 (8) (am) of the statutes is amended to read:

20 5.60 (8) (am) Except as authorized in s. 5.655, there shall be a separate ballot
21 for each recognized political party filing a certification under s. 8.12 (1), listing the
22 names of all potential candidates of that party determined under s. 8.12 and
23 affording, in addition, an opportunity to the voter to nominate another potential
24 candidate by write-in vote or to vote for an uninstructed delegation to the party
25 convention. The order of presidential candidates on the ballot shall be determined

1 by lot by or under the supervision of the commission. Each voter shall be given the
2 ballots of all the parties participating in the presidential preference vote primary, but
3 may vote on one ballot only.

4 **SECTION 8.** 6.22 (2) (b) of the statutes is amended to read:

5 6.22 (2) (b) A military elector shall make and subscribe to the certification
6 under s. 6.87 (2) before a witness who is an adult U.S. citizen.

7 **SECTION 9.** 6.22 (2) (e) of the statutes is amended to read:

8 6.22 (2) (e) A military elector may file an application for an absentee ballot by
9 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.86
10 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the elector
11 an absentee ballot or, if the elector is a military elector, as defined in s. 6.34 (1) (a),
12 and the elector so requests, shall transmit an absentee ballot to the elector by means
13 of electronic mail or facsimile transmission in the manner prescribed in s. 6.87 (3)
14 (d).

15 **SECTION 10.** 6.22 (4) (a) of the statutes is amended to read:

16 6.22 (4) (a) Upon receiving a timely request for an absentee ballot under par.
17 (b) by an individual who qualifies as a military elector, the municipal clerk shall send
18 or, if the individual is a military elector as defined in s. 6.34 (1) (a), shall transmit
19 to the elector upon the elector's request an absentee ballot for all elections that occur
20 in the municipality or portion thereof where the elector resides in the same calendar
21 year in which the request is received, unless the individual otherwise requests.

22 **SECTION 11.** 6.22 (4) (c) of the statutes is amended to read:

23 6.22 (4) (c) A military elector may indicate an alternate address on his or her
24 absentee ballot application. If the elector's ballot is returned as undeliverable prior
25 to the deadline for return of absentee ballots under s. 6.87 (6), and the elector remains

1 eligible to receive absentee ballots under this section, the municipal clerk shall
2 immediately send or, if the elector is a military elector as defined in s. 6.34 (1) (a),
3 transmit an absentee ballot to the elector at the alternate address.

4 **SECTION 12.** 6.24 (2) of the statutes is amended to read:

5 6.24 (2) ELIGIBILITY. An overseas elector ~~under sub. (1)~~ may vote in any election
6 for national office, including the partisan primary and presidential preference
7 primary and any special primary or election. Such elector may not vote in an election
8 for state or local office unless the elector qualifies as a resident of this state under
9 s. 6.10. An overseas elector shall vote in the ward or election district in which the
10 elector was last domiciled or in which the elector's parent was last domiciled prior
11 to departure from the United States.

12 **SECTION 13.** 6.24 (4) (c) of the statutes is amended to read:

13 6.24 (4) (c) Upon receipt of a timely application from an individual who
14 qualifies as an overseas elector and who has registered to vote in a municipality
15 under sub. (3), the municipal clerk of the municipality shall send, or if the individual
16 is an overseas elector, ~~as defined in s. 6.34 (1) (b)~~, shall transmit, an absentee ballot
17 to the individual upon the individual's request for all subsequent elections for
18 national office to be held during the year in which the ballot is requested, except as
19 otherwise provided in this paragraph, unless the individual otherwise requests or
20 until the individual no longer qualifies as an overseas elector of the municipality.
21 The clerk shall not send an absentee ballot for an election if the overseas elector's
22 name appeared on the registration list in eligible status for a previous election
23 following the date of the application but no longer appears on the list in eligible
24 status. The municipal clerk shall ensure that the envelope containing the absentee
25 ballot is clearly marked as not forwardable. If an overseas elector who files an

1 application under this subsection no longer resides at the same address that is
2 indicated on the application form, the elector shall so notify the municipal clerk.

3 **SECTION 14.** 6.24 (4) (d) of the statutes is amended to read:

4 6.24 (4) (d) An overseas elector, regardless of whether the elector qualifies as
5 a resident of this state under s. 6.10, who is not registered may request both a
6 registration form and an absentee ballot at the same time, and the municipal clerk
7 shall send or transmit the ballot automatically if the registration form is received
8 within the time prescribed in s. 6.28 (1). The commission shall prescribe a special
9 certificate form for the envelope in which the absentee ballot for such overseas
10 electors is contained, which shall be substantially similar to that provided under s.
11 6.87 (2). ~~An~~ The overseas elector shall make and subscribe to the special certificate
12 form before a witness who is an adult U.S. citizen.

13 **SECTION 15.** 6.24 (4) (e) of the statutes is amended to read:

14 6.24 (4) (e) An overseas elector, regardless of whether the elector qualifies as
15 a resident of this state under s. 6.10, may file an application for an absentee ballot
16 by means of electronic mail or facsimile transmission in the manner prescribed in s.
17 6.86 (1) (ac). Upon receipt of a valid application, the municipal clerk shall send the
18 elector an absentee ballot or, if the elector is an overseas elector, as defined in s. 6.34
19 (1) (b) and the elector so requests, shall transmit an absentee ballot to the elector by
20 means of electronic mail or facsimile transmission in the manner prescribed in s. 6.87
21 (3) (d).

22 **SECTION 16.** 6.25 (1) (b) of the statutes is amended to read:

23 6.25 (1) (b) Any individual who qualifies as an overseas elector ~~under s. 6.24~~
24 (1), regardless of whether the elector qualifies as a resident of this state under s. 6.10,
25 and who transmits an application for an official absentee ballot for an election for

1 national office, including a primary election, no later than the latest time specified
2 for an elector in s. 6.86 (1) (b) may, in lieu of the official ballot, cast a federal write-in
3 absentee ballot prescribed under 42 USC 1973ff-2 for any candidate or for all
4 candidates of any recognized political party for national office listed on the official
5 ballot at that election, if the federal write-in absentee ballot is received by the
6 appropriate municipal clerk no later than the applicable time prescribed in s. 6.87
7 (6).

8 **SECTION 17.** 6.276 (1) of the statutes is amended to read:

9 6.276 (1) In this section, “military elector” and “overseas elector” have has the
10 meanings meaning given in s. 6.34 (1).

11 **SECTION 18.** 6.34 (1) (intro.) and (a) of the statutes are consolidated,
12 renumbered 6.34 (1) and amended to read:

13 6.34 (1) In this section: (a) ~~“Military,~~ “military elector” means a member of a
14 uniformed service on active duty who, by reason of that duty, is absent from the
15 residence where the member is otherwise qualified to vote; a member of the
16 merchant marine, as defined in s. 6.22 (1) (a), who by reason of service in the
17 merchant marine, is absent from the residence where the member is otherwise
18 qualified to vote; or the spouse or dependent of any such member who, by reason of
19 the duty or service of the member, is absent from the residence where the spouse or
20 dependent is otherwise qualified to vote.

21 **SECTION 19.** 6.34 (1) (b) of the statutes is repealed.

22 **SECTION 20.** 6.86 (1) (b) of the statutes is amended to read:

23 6.86 (1) (b) Except as provided in this section, if application is made by mail,
24 the application shall be received no later than 5 p.m. on the 5th day immediately
25 preceding the election. If application is made in person, the application shall be

1 made no earlier than the opening of business on the 3rd Monday Saturday preceding
2 the election and no later than 7 p.m. on the Friday preceding the election. No
3 application may be received on a legal holiday. An application made in person may
4 only be received Monday to Friday Saturday between the hours of 8 a.m. and 7 p.m.
5 each day. A municipality shall specify the hours in the notice under s. 10.01 (2) (e).
6 The municipal clerk or an election official shall witness the certificate for any
7 in-person absentee ballot cast. Except as provided in par. (c), if the elector is making
8 written application for an absentee ballot at the partisan primary, the general
9 election, the presidential preference primary, or a special election for national office,
10 and the application indicates that the elector is a military elector, as defined in s. 6.34
11 (1), the application shall be received by the municipal clerk no later than 5 p.m. on
12 election day. If the application indicates that the reason for requesting an absentee
13 ballot is that the elector is a sequestered juror, the application shall be received no
14 later than 5 p.m. on election day. If the application is received after 5 p.m. on the
15 Friday immediately preceding the election, the municipal clerk or the clerk's agent
16 shall immediately take the ballot to the court in which the elector is serving as a juror
17 and deposit it with the judge. The judge shall recess court, as soon as convenient,
18 and give the elector the ballot. The judge shall then witness the voting procedure as
19 provided in s. 6.87 and shall deliver the ballot to the clerk or agent of the clerk who
20 shall deliver it to the polling place or, in municipalities where absentee ballots are
21 canvassed under s. 7.52, to the municipal clerk as required in s. 6.88. If application
22 is made under sub. (2) or (2m), the application may be received no later than 5 p.m.
23 on the Friday immediately preceding the election.

24 **SECTION 21.** 6.865 (1) of the statutes is amended to read:

1 6.865 (1) In this section, “military elector” and “overseas elector” have has the
2 meanings meaning given under s. 6.34 (1).

3 **SECTION 22.** 6.87 (2) of the statutes is amended to read:

4 6.87 (2) Except as authorized under sub. (3) (d), the municipal clerk shall place
5 the ballot in an unsealed envelope furnished by the clerk. The envelope shall have
6 the name, official title and post-office address of the clerk upon its face. The other
7 side of the envelope shall have a printed certificate which shall include a space for
8 the municipal clerk or deputy clerk to enter his or her initials indicating that if the
9 absentee elector voted in person under s. 6.86 (1) (ar), the elector presented proof of
10 identification to the clerk and the clerk verified the proof presented. The certificate
11 shall also include a space for the municipal clerk or deputy clerk to enter his or her
12 initials indicating that the elector is exempt from providing proof of identification
13 because the individual is a military elector or an overseas elector who does not
14 qualify as a resident of this state under s. 6.10 or is exempted from providing proof
15 of identification under sub. (4) (b) 2. or 3. The certificate shall be in substantially the
16 following form:

17 [STATE OF

18 County of]

19 or

20 [(name of foreign country and city or other jurisdictional unit)]

21 I,, certify subject to the penalties of s. 12.60 (1) (b), Wis. Stats., for false
22 statements, that I am a resident of the [... ward of the] (town) (village) of, or of
23 the aldermanic district in the city of, residing at* in said city, the county
24 of, state of Wisconsin, and am entitled to vote in the (ward) (election district) at
25 the election to be held on; that I am not voting at any other location in this election;

1 that I am unable or unwilling to appear at the polling place in the (ward) (election
2 district) on election day or have changed my residence within the state from one ward
3 or election district to another later than 28 days before the election. I certify that I
4 exhibited the enclosed ballot unmarked to the witness, that I then in (his) (her)
5 presence and in the presence of no other person marked the ballot and enclosed and
6 sealed the same in this envelope in such a manner that no one but myself and any
7 person rendering assistance under s. 6.87 (5), Wis. Stats., if I requested assistance,
8 could know how I voted.

9 Signed

10 Identification serial number, if any:

11 The witness shall execute the following:

12 I, the undersigned witness, subject to the penalties of s. 12.60 (1) (b), Wis.
13 Stats., for false statements, certify that I am an adult U.S. citizen** and that the
14 above statements are true and the voting procedure was executed as there stated.
15 I am not a candidate for any office on the enclosed ballot (except in the case of an
16 incumbent municipal clerk). I did not solicit or advise the elector to vote for or against
17 any candidate or measure.

18(Name Printed name)

19(Address)***_

20 Signed

21 * — An elector who provides an identification serial number issued under s.
22 6.47 (3), Wis. Stats., need not provide a street address.

23 ** — An individual who serves as a witness for a military elector or an overseas
24 elector voting absentee, regardless of whether the elector qualifies as a resident of

1 Wisconsin under s. 6.10, Wis. Stats., need not be a U.S. citizen but must be 18 years
2 of age or older.

3 *** — If this form is executed before 2 special voting deputies under s. 6.875 (6),
4 Wis. Stats., both deputies shall witness and sign.

5 **SECTION 23.** 6.87 (3) (d) of the statutes is amended to read:

6 6.87 (3) (d) A municipal clerk shall, if the clerk is reliably informed by a military
7 elector, as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~
8 regardless of whether the elector qualifies as a resident of this state under s. 6.10,
9 of a facsimile transmission number or electronic mail address where the elector can
10 receive an absentee ballot, transmit a facsimile or electronic copy of the elector's
11 ballot to that elector in lieu of mailing under this subsection. An elector may receive
12 an absentee ballot only if the elector is a military elector or an overseas elector under
13 ~~s. 6.34 (1)~~ and has filed a valid application for the ballot as provided in s. 6.86 (1).
14 If the clerk transmits an absentee ballot to a military or overseas elector
15 electronically, the clerk shall also transmit a facsimile or electronic copy of the text
16 of the material that appears on the certificate envelope prescribed in sub. (2),
17 together with instructions prescribed by the commission. The instructions shall
18 require the military or overseas elector to make and subscribe to the certification as
19 required under sub. (4) (b) and to enclose the absentee ballot in a separate envelope
20 contained within a larger envelope, that shall include the completed certificate. The
21 elector shall then affix sufficient postage unless the absentee ballot qualifies for
22 mailing free of postage under federal free postage laws and shall mail the absentee
23 ballot to the municipal clerk. Except as authorized in s. 6.97 (2), an absentee ballot
24 received from a military or overseas elector who receives the ballot electronically

1 shall not be counted unless it is cast in the manner prescribed in this paragraph and
2 sub. (4) and in accordance with the instructions provided by the commission.

3 **SECTION 24.** 6.87 (4) (a) (intro.) and 1. of the statutes are consolidated,
4 renumbered 6.87 (4) (a) and amended to read:

5 6.87 (4) (a) In this subsection: ~~1. "Military,~~ "military ~~elector"~~ has the meaning
6 given in s. 6.34 (1) (a).

7 **SECTION 25.** 6.87 (4) (a) 2. of the statutes is repealed.

8 **SECTION 26.** 6.87 (4) (b) 1. of the statutes is amended to read:

9 6.87 (4) (b) 1. Except as otherwise provided in s. 6.875, the an elector voting
10 absentee, other than a military elector or an overseas elector, shall make and
11 subscribe to the certification before one witness who is an adult U.S. citizen. A
12 military elector or an overseas elector voting absentee, regardless of whether the
13 elector qualifies as a resident of this state under s. 6.10, shall make and subscribe
14 to the certification before one witness who is an adult but who need not be a U.S.
15 citizen. The absent elector, in the presence of the witness, shall mark the ballot in
16 a manner that will not disclose how the elector's vote is cast. The elector shall then,
17 still in the presence of the witness, fold the ballots so each is separate and so that the
18 elector conceals the markings thereon and deposit them in the proper envelope. If
19 a consolidated ballot under s. 5.655 is used, the elector shall fold the ballot so that
20 the elector conceals the markings thereon and deposit the ballot in the proper
21 envelope. If proof of residence under s. 6.34 is required and the document enclosed
22 by the elector under this subdivision does not constitute proof of residence under s.
23 6.34, the elector shall also enclose proof of residence under s. 6.34 in the envelope.
24 Except as provided in s. 6.34 (2m), proof of residence is required if the elector is not
25 a military elector or an overseas elector and the elector registered by mail or by

1 electronic application and has not voted in an election in this state. If the elector
2 requested a ballot by means of facsimile transmission or electronic mail under s. 6.86
3 (1) (ac), the elector shall enclose in the envelope a copy of the request which bears an
4 original signature of the elector. The elector may receive assistance under sub. (5).
5 The return envelope shall then be sealed. The witness may not be a candidate. The
6 envelope shall be mailed by the elector, or delivered in person, to the municipal clerk
7 issuing the ballot or ballots. If the envelope is mailed from a location outside the
8 United States, the elector shall affix sufficient postage unless the ballot qualifies for
9 delivery free of postage under federal law. Failure to return an unused ballot in a
10 primary does not invalidate the ballot on which the elector's votes are cast. Return
11 of more than one marked ballot in a primary or return of a ballot prepared under s.
12 5.655 or a ballot used with an electronic voting system in a primary which is marked
13 for candidates of more than one party invalidates all votes cast by the elector for
14 candidates in the primary.

15 **SECTION 27.** 6.88 (1) of the statutes is amended to read:

16 6.88 (1) When an absentee ballot arrives at the office of the municipal clerk,
17 or at an alternate site under s. 6.855, if applicable, the clerk shall enclose it,
18 unopened, in a carrier envelope which shall be securely sealed and endorsed with the
19 name and official title of the clerk, and the words "This envelope contains the ballot
20 of an absent elector and must be opened in the same room where votes are being cast
21 at the polls during polling hours on election day or, in municipalities where absentee
22 ballots are canvassed under s. 7.52, stats., at a meeting of the municipal board of
23 absentee ballot canvassers under s. 7.52, stats." If the elector is a military elector,
24 as defined in s. 6.34 (1) (a), or an overseas elector, ~~as defined in s. 6.34 (1) (b)~~
25 regardless of whether the elector qualifies as a resident of this state under s. 6.10,

1 and the ballot was received by the elector by facsimile transmission or electronic mail
2 and is accompanied by a separate certificate, the clerk shall enclose the ballot in a
3 certificate envelope and securely append the completed certificate to the outside of
4 the envelope before enclosing the ballot in the carrier envelope. The clerk shall keep
5 the ballot in the clerk's office or at the alternate site, if applicable until delivered, as
6 required in sub. (2).

7 **SECTION 28.** 6.97 (1) of the statutes is amended to read:

8 6.97 (1) Whenever any individual who is required to provide proof of residence
9 under s. 6.34 in order to be permitted to vote appears to vote at a polling place and
10 cannot provide the required proof of residence, the inspectors shall offer the
11 opportunity for the individual to vote under this section. Whenever any individual,
12 other than a military elector, as defined in s. 6.34 (1) (a), ~~or, an overseas elector, as~~
13 ~~defined in s. 6.34 (1) (b),~~ or an elector who has a confidential listing under s. 6.47 (2),
14 appears to vote at a polling place and does not present proof of identification under
15 s. 6.79 (2), whenever required, the inspectors or the municipal clerk shall similarly
16 offer the opportunity for the individual to vote under this section. If the individual
17 wishes to vote, the inspectors shall provide the elector with an envelope marked
18 "Ballot under s. 6.97, stats." on which the serial number of the elector is entered and
19 shall require the individual to execute on the envelope a written affirmation stating
20 that the individual is a qualified elector of the ward or election district where he or
21 she offers to vote and is eligible to vote in the election. The inspectors shall, before
22 giving the elector a ballot, write on the back of the ballot the serial number of the
23 individual corresponding to the number kept at the election on the poll list or other
24 list maintained under s. 6.79 and the notation "s. 6.97". If voting machines are used
25 in the municipality where the individual is voting, the individual's vote may be

received only upon an absentee ballot furnished by the municipal clerk which shall have the corresponding number from the poll list or other list maintained under s. 6.79 and the notation "s. 6.97" written on the back of the ballot by the inspectors before the ballot is given to the elector. When receiving the individual's ballot, the inspectors shall provide the individual with written voting information prescribed by the commission under s. 7.08 (8). The inspectors shall indicate on the list the fact that the individual is required to provide proof of residence or proof of identification under s. 6.79 (2) but did not do so. The inspectors shall notify the individual that he or she may provide proof of residence or proof of identification to the municipal clerk or executive director of the municipal board of election commissioners. The inspectors shall also promptly notify the municipal clerk or executive director of the name, address, and serial number of the individual. The inspectors shall then place the ballot inside the envelope and place the envelope in a separate carrier envelope.

SECTION 29. 7.08 (2) (d) of the statutes is amended to read:

7.08 (2) (d) As soon as possible after ~~the last Tuesday in January~~ December 15 of each year preceding the year in which there is a presidential election, the commission shall transmit to each county clerk a certified list of candidates for president who have qualified to have their names appear on the presidential preference primary ballot.

SECTION 30. 7.15 (1) (cm) of the statutes is amended to read:

7.15 (1) (cm) Prepare official absentee ballots for delivery to electors requesting them, and except as provided in this paragraph, send an official absentee ballot to each elector who has requested a ballot by mail, and to each military elector, as defined in s. 6.34 (1) (a), and overseas elector, ~~as defined in s. 6.34 (1) (b)~~, who has requested a ballot by mail, electronic mail, or facsimile transmission, no later than

1 the 47th day before each partisan primary and general election and no later than the
2 21st day before each other primary and election if the request is made before that
3 day; otherwise, the municipal clerk shall send or transmit an official absentee ballot
4 within one business day of the time the elector's request for such a ballot is received.
5 The clerk shall send or transmit an absentee ballot for the presidential preference
6 primary to each elector who has requested that ballot no later than the 47th day
7 before the presidential preference primary if the request is made before that day, or,
8 if the request is not made before that day, within one business day of the time the
9 request is received. For purposes of this paragraph, "business day" means any day
10 from Monday to Friday, not including a legal holiday under s. 995.20.

11 **SECTION 31.** 7.15 (1) (j) of the statutes is amended to read:

12 7.15 (1) (j) Send an absentee ballot automatically to each elector and send or
13 transmit an absentee ballot to each military elector, as defined in s. 6.34 (1) (a), and
14 each overseas elector, ~~as defined in s. 6.34 (1) (b)~~, making an authorized request
15 therefor in accordance with s. 6.22 (4), 6.24 (4) (e), or 6.86 (2) or (2m).

16 **SECTION 32.** 8.12 (1) of the statutes is amended to read:

17 8.12 (1) SELECTION OF NAMES FOR BALLOT. (a) No later than 5 p.m. on the 2nd
18 ~~Tuesday in December~~ November 15 of the year before each year in which electors for
19 president and vice president are to be elected, the state chairperson of each
20 recognized political party listed on the official ballot at the last gubernatorial election
21 whose candidate for governor received at least 10 percent of the total votes cast for
22 that office may certify to the commission that the party will participate in the
23 presidential preference primary. For each party filing such a certification, the voters
24 of this state shall at the spring election be given an opportunity to express their
25 preference for the person to be the presidential candidate of that party.

1 (b) ~~On the first Tuesday in January~~ No later than December 1 of each year, ~~or~~
2 ~~the next day if Tuesday is a holiday, preceding the year~~ in which electors for president
3 and vice president are to be elected, there shall be convened in the capitol a
4 committee consisting of, for each party filing a certification under this subsection,
5 the state chairperson of that state party organization or the chairperson's designee,
6 one national committeeman and one national committeewoman designated by the
7 state chairperson; the speaker and the minority leader of the assembly or their
8 designees, and the president and the minority leader of the senate or their designees.
9 All designations shall be made in writing to the commission. This committee shall
10 organize by selecting an additional member who shall be the chairperson and shall
11 determine, and certify to the commission, no later than on the Friday following the
12 date on which the committee convenes under this paragraph, the names of all
13 candidates of the political parties represented on the committee for the office of
14 president of the United States. The committee shall place the names of all
15 candidates whose candidacy is generally advocated or recognized in the national
16 news media throughout the United States on the ballot, and may, in addition, place
17 the names of other candidates on the ballot. The committee shall have sole discretion
18 to determine that a candidacy is generally advocated or recognized in the national
19 news media throughout the United States.

20 (c) ~~No later than 5 p.m. on the last Tuesday in January~~ December 15 of each
21 year preceding a presidential election year, any person seeking the nomination by
22 the national convention of a political party filing a certification under this subsection
23 for the office of president of the United States, or any committee organized in this
24 state on behalf of and with the consent of such person, may submit to the commission
25 a petition to have the person's name appear on the presidential preference ballot.

1 The petition may be circulated no sooner than ~~the first Tuesday in January of such~~
2 ~~year, or the next day if Tuesday is a holiday, December 1 of the year preceding the~~
3 ~~presidential election year~~ and shall be signed by a number of qualified electors equal
4 in each congressional district to not less than 1,000 signatures nor more than 1,500
5 signatures. The form of the petition shall conform to the requirements of s. 8.40. All
6 signers on each separate petition paper shall reside in the same congressional
7 district.

8 (d) The commission shall forthwith contact each person whose name has been
9 placed in nomination under par. (b) and notify him or her that his or her name will
10 appear on the Wisconsin presidential preference primary ballot unless he or she files,
11 no later than 5 p.m. on ~~the last Tuesday in January of such year~~ December 15 of the
12 year preceding a presidential election year, with the commission, a disclaimer
13 stating without qualification that he or she is not and does not intend to become a
14 candidate for the office of president of the United States at the forthcoming
15 presidential election. The disclaimer may be filed with the commission by certified
16 mail, telegram, or in person.

17 **SECTION 33.** 8.12 (3) of the statutes is amended to read:

18 8.12 (3) REPORTING OF RESULTS. No later than ~~May 15~~ March 31 following the
19 presidential preference primary, the commission shall notify each state party
20 organization chairperson under sub. (1) (b) of the results of the presidential
21 preference primary within the state and within each congressional district.

22 **SECTION 34.** 10.02 (3) (b) 3. of the statutes is amended to read:

23 10.02 (3) (b) 3. When casting a presidential preference primary vote, the elector
24 shall select the party ballot of his or her choice and make a cross (X) next to or depress
25 the button or lever next to the candidate's name for whom he or she intends to vote

1 or shall, in the alternative, make a cross (X) next to or depress the button or lever next
2 to the words "Uninstructed delegation", or shall write in the name of his or her choice
3 for a candidate.

4 **SECTION 35.** 10.06 (2) (d) of the statutes is amended to read:

5 10.06 (2) (d) On the Monday preceding the spring primary, when held, the
6 county clerk shall publish a type B notice. In a year in which the presidential
7 preference primary is held, the county clerk shall also publish notice of the
8 presidential preference primary.

9 **SECTION 36.** 10.06 (2) (g) of the statutes is amended to read:

10 10.06 (2) (g) On the Monday preceding the spring election, the county clerk
11 shall publish a type B notice containing the same information prescribed in par. (a).
12 ~~In a year in which the presidential preference primary is held, the county clerk shall~~
13 ~~also publish notice of the presidential preference primary.~~ In addition, the county
14 clerk shall publish a type C notice on the Monday preceding the spring election for
15 all state and county referenda to be voted upon by electors of the county.

16 **SECTION 37.** 11.0101 (32) of the statutes is amended to read:

17 11.0101 (32) "Spring election" means the election held on the first Tuesday in
18 April to elect judicial, educational, and municipal officers, and nonpartisan county
19 officers and sewerage commissioners, ~~and to express preferences for the person to be~~
20 ~~the presidential candidate for each political party in a year in which electors for~~
21 ~~president and vice president are to be elected.~~

22 **SECTION 38.** 13.103 of the statutes is created to read:

23 **13.103 Joint committee on finance; state operations expenditures**
24 **report.** (1) In this section:

1 (a) "State agency" means any office, department, or independent agency in the
2 executive branch of state government, other than the Board of Regents of the
3 University of Wisconsin System.

4 (b) "State operations" means all purposes except aids to individuals and
5 organizations and local assistance.

6 (2) Quarterly, beginning in April 2019, each state agency shall submit a report
7 to the joint committee on finance listing all state agency expenditures for state
8 operations in the preceding calendar quarter. The report shall specifically detail all
9 expenditures for administrative supplies and services that are made at the
10 discretion of or to be used by heads of state agencies, secretaries, deputy secretaries,
11 assistant deputy secretaries, and executive assistants.

12 **SECTION 39.** 13.124 of the statutes is created to read:

13 **13.124 Legal representation.** (1) (a) The speaker of the assembly, in his or
14 her sole discretion, may authorize a representative to the assembly or assembly
15 employee who requires legal representation to obtain legal counsel other than from
16 the department of justice, with the cost of representation paid from the appropriation
17 under s. 20.765 (1) (a), if the acts or allegations underlying the action are arguably
18 within the scope of the representative's or employee's duties. The speaker shall
19 approve all financial costs and terms of representation.

20 (b) The speaker of the assembly, in his or her sole discretion, may obtain legal
21 counsel other than from the department of justice, with the cost of representation
22 paid from the appropriation under s. 20.765 (1) (a), in any action in which the
23 assembly is a party or in which the interests of the assembly are affected, as
24 determined by the speaker. The speaker shall approve all financial costs and terms
25 of representation.

1 (2) (a) The senate majority leader, in his or her sole discretion, may authorize
2 a senator or senate employee who requires legal representation to obtain legal
3 counsel other than from the department of justice, with the cost of representation
4 paid from the appropriation under s. 20.765 (1) (b), if the acts or allegations
5 underlying the action are arguably within the scope of the senator's or employee's
6 duties. The senate majority leader shall approve all financial costs and terms of
7 representation.

8 (b) The senate majority leader, in his or her sole discretion, may obtain legal
9 counsel other than from the department of justice, with the cost of representation
10 paid from the appropriation under s. 20.765 (1) (b), in any action in which the senate
11 is a party or in which the interests of the senate are affected, as determined by the
12 senate majority leader. The senate majority leader shall approve all financial costs
13 and terms of representation.

14 (3) (a) The cochairpersons of the joint committee on legislative organization,
15 in their sole discretion, may authorize an employee of a legislative service agency, as
16 defined in s. 13.90 (1m) (a), who requires legal representation to obtain legal counsel
17 other than from the department of justice, with the cost of representation paid from
18 the appropriation under s. 20.765 (1) (a) or (b), as determined by the cochairpersons,
19 if the acts or allegations underlying the action are arguably within the scope of the
20 employee's duties. The cochairpersons shall approve all financial costs and terms of
21 representation.

22 (b) The cochairpersons of the joint committee on legislative organization, in
23 their sole discretion, may obtain legal counsel other than from the department of
24 justice, with the cost of representation paid from the appropriation under s. 20.765
25 (1) (a) or (b), as determined by the cochairpersons, in any action in which the

1 legislature is a party or in which the interests of the legislature are affected, as
2 determined by the cochairpersons. The cochairpersons shall approve all financial
3 costs and terms of representation.

4 **SECTION 40.** 13.127 of the statutes is created to read:

5 **13.127 Advice and consent of the senate.** Any individual nominated by the
6 governor or another state officer or agency, and with the advice and consent of the
7 senate appointed, to any office or position may not hold the office or position, be
8 nominated again for the office or position, or perform any duties of the office or
9 position during the legislative session biennium if the individual's confirmation for
10 the office or position is rejected by the senate.

11 **SECTION 41.** 13.365 of the statutes is created to read:

12 **13.365 Intervention.** Pursuant to s. 803.09 (2m), when a party to an action
13 challenges in state or federal court the constitutionality of a statute, facially or as
14 applied, or challenges a statute as violating or preempted by federal law, as part of
15 a claim or affirmative defense:

16 (1) The committee on assembly organization may intervene at any time in the
17 action on behalf of the assembly. The committee on assembly organization may
18 obtain legal counsel other than from the department of justice, with the cost of
19 representation paid from the appropriation under s. 20.765 (1) (a), to represent the
20 assembly in any action in which the assembly intervenes.

21 (2) The committee on senate organization may intervene at any time in the
22 action on behalf of the senate. The committee on senate organization may obtain
23 legal counsel other than from the department of justice, with the cost of
24 representation paid from the appropriation under s. 20.765 (1) (b), to represent the
25 senate in any action in which the senate intervenes.

1 (3) The joint committee on legislative organization may intervene at any time
2 in the action on behalf of the state. The joint committee on legislative organization
3 may obtain legal counsel other than from the department of justice, with the cost of
4 representation paid from the appropriation under s. 20.765 (1) (a) or (b), as
5 determined by the cochairpersons, to represent the state in any action in which the
6 joint committee on legislative organization intervenes.

7 **SECTION 42.** 13.48 (24m) of the statutes is created to read:

8 **13.48 (24m) REPAYMENT OF PRINCIPAL ON SHORT-TERM COMMERCIAL PAPER.** (a)
9 *Definition.* In this subsection, “commercial paper program” means a program
10 authorized by the building commission for the issuance of short-term, general
11 obligation debt in lieu of long-term, general obligation debt.

12 (b) *Amortization schedule required.* For each commercial paper program, the
13 building commission shall establish an amortization schedule for the repayment of
14 principal on debt issued under the program so that a portion of the principal amount
15 of each debt is retired annually over the life of the improvement or asset to which the
16 debt is related. The commission shall provide each amortization schedule
17 established under this paragraph to the joint committee on finance.

18 (c) *Schedule modification.* An amortization schedule established under par. (b)
19 may not be modified except as follows:

20 1. Before the building commission modifies the amortization schedule, the
21 commission shall notify the joint committee on finance in writing of the commission’s
22 intention to modify the amortization schedule. The notice shall describe each
23 modification and the reasons for making the modification.

24 2. If, within 14 working days after the date of the building commission’s notice
25 under subd. 1., the cochairpersons of the joint committee on finance do not notify the

1 commission that the committee has scheduled a meeting to review the commission's
2 proposal, the commission may make each modification as proposed in the notice. If,
3 within 14 working days after the date of the commission's notice under subd. 1., the
4 cochairpersons of the committee notify the commission that the committee has
5 scheduled a meeting to review the commission's proposal, the commission may make
6 each proposed modification only upon approval of the committee.

7 **SECTION 43.** 13.56 (2) of the statutes is amended to read:

8 13.56 (2) PARTICIPATION IN CERTAIN PROCEEDINGS. The cochairpersons of the joint
9 committee for review of administrative rules or their designated agents shall accept
10 service made under ss. 227.40 (5) and 806.04 (11). If the committee determines that
11 the legislature should be represented in the proceeding, it shall request the joint
12 committee on legislative organization to designate the legislature's representative
13 for intervene in the proceeding as provided under s. 806.04 (11). The costs of
14 participation in the proceeding shall be paid equally from the appropriations under
15 s. 20.765 (1) (a) and (b), except that such costs incurred by the department of justice
16 shall be paid from the appropriation under s. 20.455 (1) (d).

17 **SECTION 44.** 13.90 (2) of the statutes is amended to read:

18 13.90 (2) The cochairpersons of the joint committee on legislative organization
19 or their designated agent shall accept service made under s. ss. 806.04 (11) and
20 893.825 (2). If the committee, the senate organization committee, or the assembly
21 organization committee, determines that the legislature should be represented
22 intervene in the proceeding, that committee shall designate the legislature's
23 representative for the proceeding. as provided under s. 803.09 (2m), the assembly
24 shall represent the assembly, the senate shall represent the senate, and the joint
25 committee on legislative organization shall represent the state. In an action

1 involving the constitutionality of a statute, or challenging a statute as violating or
2 preempted by federal law, if the joint committee on legislative organization
3 determines at any time that the interests of the state will be best represented by
4 special counsel appointed by the legislature, it shall appoint special counsel to
5 represent state defendants and act instead of the attorney general and the attorney
6 general may not participate in the action. Special counsel appointed under this
7 subsection shall have the powers of the attorney general with respect to the litigation
8 to which special counsel has been appointed. The costs of participation in the
9 proceeding shall be paid equally from the appropriations under s. 20.765 (1) (a) and
10 (b), except that such costs incurred by the department of justice shall be paid from
11 the appropriation under s. 20.455 (1) (d).

12 **SECTION 45.** 13.90 (3) of the statutes is renumbered 13.90 (3) (c) and amended
13 to read:

14 13.90 (3) (c) The joint committee on legislative organization shall assign office
15 space for legislative offices and the offices of the legislative service agencies as
16 defined in sub. (1m). The joint committee may assign any space in the capitol not
17 reserved for other uses under s. 16.835. Except as provided in ss. 13.09 (6) and 13.45
18 (4) (c), the joint committee may locate any legislative office or the office of any
19 legislative service agency outside the capitol at another suitable building in the city
20 of Madison.

21 **SECTION 46.** 13.90 (3) (a) and (b) of the statutes are created to read:

22 13.90 (3) (a) In this subsection, "legislative service agency" has the meaning
23 given in sub. (1m).

1 (b) The cochairpersons of the joint committee on legislative organization shall
2 lease or acquire office space for legislative offices or legislative service agencies under
3 par. (c).

4 **SECTION 47.** 13.91 (1) (c) of the statutes is amended to read:

5 13.91 (1) (c) Perform the functions prescribed in ~~s. 227.15~~ for the review and
6 resolution of problems ch. 227 relating to administrative rules and guidance
7 documents.

8 **SECTION 48.** 15.07 (1) (b) 24. of the statutes is created to read:

9 15.07 (1) (b) 24. The 6 members of the group insurance board appointed under
10 s. 15.165 (2) (j).

11 **SECTION 49.** 15.165 (2) of the statutes is renumbered 15.165 (2) (intro) and
12 amended to read:

13 15.165 (2) GROUP INSURANCE BOARD. (intro.) There is created in the department
14 of employee trust funds a group insurance board. The board shall consist of the
15 following members:

16 (a) The governor, the or his or her designee.

17 (b) The attorney general, the or his or her designee.

18 (c) The secretary of administration, the director of the office of state
19 employment relations, and the or his or her designee.

20 (e) The commissioner of insurance or their designees, and 6 his or her designee.

21 (j) Six persons appointed for 2-year terms, of whom one shall be an insured
22 participant in the Wisconsin Retirement System who is not a teacher, one shall be
23 an insured participant in the Wisconsin Retirement System who is a teacher, one
24 shall be an insured participant in the Wisconsin Retirement System who is a retired
25 employee, one shall be an insured employee of a local unit of government, and one

1 shall be the chief executive or a member of the governing body of a local unit of
2 government that is a participating employer in the Wisconsin Retirement System.

3 **SECTION 50.** 15.165 (2) (d) and (f) to (i) of the statutes are created to read:

4 15.165 (2) (d) The administrator of the division of personnel management in
5 the department of administration or his or her designee.

6 (f) One individual appointed by the speaker of the assembly.

7 (g) One individual appointed by the minority leader of the assembly.

8 (h) One individual appointed by the majority leader of the senate.

9 (i) One individual appointed by the minority leader of the senate.

10 **SECTION 51.** 16.42 (5) of the statutes is created to read:

11 16.42 (5) (a) In this subsection, "fee" means any amount of money other than
12 a tax that an agency charges a person other than a governmental entity.

13 (b) Each agency required to submit a budget request under sub. (1) shall
14 include with its request a report that lists each fee the agency is required or
15 otherwise authorized to charge and that includes all of the following:

16 1. The amount of each fee, or, if a fee does not have a fixed amount, the method
17 of calculating the fee.

18 2. An identification of the agency's statutory authority to charge each fee.

19 3. A statement whether or not the agency currently charges the fee.

20 4. A description of whether and how each fee has increased or decreased since
21 the agency was first authorized to charge the fee.

22 5. Any recommendation the agency has concerning each fee.

23 **SECTION 52.** 16.84 (2m) of the statutes is created to read:

24 16.84 (2m) Send notice to the joint committee on legislative organization of any
25 proposed changes to security at the capitol, including the posting of a firearm

1 restriction under s. 943.13 (1m) (c) 2. or 4. If, within 14 working days after the date
2 of the notice, the cochairpersons of the joint committee on legislative organization do
3 not notify the department that the committee has scheduled a meeting to review the
4 department's proposal, the department may implement the changes as proposed in
5 the notice. If, within 14 working days after the date of the department's notice, the
6 cochairpersons of the committee notify the department that the committee has
7 scheduled a meeting to review the department's proposal, the department may
8 implement the proposed changes only upon approval of the committee.

9 **SECTION 53.** 16.84 (5) (d) of the statutes is repealed.

10 **SECTION 54.** 16.973 (15) of the statutes is created to read:

11 16.973 (15) By October 1 of each year, submit to the joint committee on finance
12 and the legislature under s. 13.172 (2) a report on the administration of the
13 information technology and communication services self-funded portal. The report
14 shall include the following information regarding the portal for the immediately
15 preceding fiscal year:

16 (a) A financial statement of state revenues and expenditures.

17 (b) A list of services available through the portal, identifying services added
18 since the previous reporting period.

19 (c) Fees charged for each service available through the portal.

20 (d) The activity level of each service available through the portal.

21 (e) Any other information the department determines to be appropriate to
22 include.

23 **SECTION 55.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
24 insert the following amounts for the purposes indicated:

				2017-18	2018-19
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20.445 Workforce development, department of

(1) WORKFORCE DEVELOPMENT

(bz) Career and technical education

incentive grants	GPR	A	-0-	3,500,000
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(cg) Technical education equipment

grants	GPR	A	-0-	500,000
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(dg) Teacher development program

grants	GPR	A	-0-	-0-
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(dr) Apprenticeship programs

GPR	A	-0-	225,000
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(e) Local youth apprenticeship

grants	GPR	A	-0-	2,233,700
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(fg) Employment transit assistance

grants	GPR	A	-0-	464,800
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(fm) Youth summer jobs programs

GPR	A	-0-	422,400
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SECTION 56. 20.395 (2) (fq) of the statutes is repealed.

SECTION 57. 20.445 (1) (b) of the statutes is amended to read:

20.445 (1) (b) *Workforce training; programs, grants, and services.* ~~As a continuing appropriation, the~~ The amounts in the schedule for the local youth apprenticeship grants under s. 106.13 (3m), youth summer jobs programs under s. 106.18, employment transit assistance grants under s. 106.26, workforce training programs, grants, and services under s. 106.27 (1), (1g), (1j), and (1r), teacher development program grants under s. 106.272, career and technical education

1 ~~incentive grants under s. 106.273 (3), technical education equipment grants under~~
2 ~~s. 106.275, and apprentice programs under subch. I of ch. 106.~~

3 **SECTION 58.** 20.445 (1) (bz) of the statutes is created to read:

4 20.445 (1) (bz) *Career and technical education incentive grants.* The amounts
5 in the schedule for the career and technical education incentive grants under s.
6 106.273 (3).

7 **SECTION 59.** 20.445 (1) (cg) of the statutes is created to read:

8 20.445 (1) (cg) *Technical education equipment grants.* The amounts in the
9 schedule for the technical education equipment grants under s. 106.275.

10 **SECTION 60.** 20.445 (1) (dg) of the statutes is created to read:

11 20.445 (1) (dg) *Teacher development program grants.* The amounts in the
12 schedule for the teacher development program grants under s. 106.272.

13 **SECTION 61.** 20.445 (1) (dr) of the statutes is created to read:

14 20.445 (1) (dr) *Apprenticeship programs.* The amounts in the schedule for the
15 apprentice programs under subch. I of ch. 106.

16 **SECTION 62.** 20.445 (1) (e) of the statutes is created to read:

17 20.445 (1) (e) *Local youth apprenticeship grants.* The amounts in the schedule
18 for local youth apprenticeship grants under s. 106.13 (3m).

19 **SECTION 63.** 20.445 (1) (fg) of the statutes is created to read:

20 20.445 (1) (fg) *Employment transit assistance grants.* The amounts in the
21 schedule for the employment transit assistance grants under s. 106.26.

22 **SECTION 64.** 20.445 (1) (fm) of the statutes is created to read:

23 20.445 (1) (fm) *Youth summer jobs programs.* The amounts in the schedule for
24 youth summer jobs programs in 1st class cities under s. 106.18.

25 **SECTION 65.** 20.455 (1) (gh) of the statutes is amended to read:

20.455 (1) (gh) *Investigation and prosecution*. Moneys received under ss. 23.22 (9) (c), 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b), 291.97 (3), 292.99 (2), 293.87 (4) (b), 295.19 (3) (b) 2., 295.79 (4) (b), and 299.97 (2), for the expenses of investigation and prosecution of violations, including attorney fees, and for expenses related to s. 165.055 (3).

SECTION 66. 20.455 (2) (gb) of the statutes is amended to read:

20.455 (2) (gb) *Gifts and grants*. The amounts in the schedule to carry out the purposes for which gifts and grants are made and received. All moneys received from gifts and grants, other than moneys received for and credited to another appropriation account under this subsection, to carry out the purposes for which made and received shall be credited to this appropriation account.

SECTION 67. 20.455 (3) (g) of the statutes is amended to read:

20.455 (3) (g) *Gifts, grants and proceeds*. The amounts in the schedule to carry out the purposes for which gifts and grants are made and collected. All moneys received from gifts and grants and all proceeds from services, conferences, and sales of publications and promotional materials to carry out the purposes for which made or collected, except as provided in sub. (2) (gm) and (gp) and to transfer to s. 20.505 (1) (kg), at the discretion of the attorney general, an amount not to exceed \$98,300 annually, shall be credited to this appropriation account.

SECTION 68. 20.940 of the statutes is created to read:

20.940 Legislative authorization and oversight of requests to federal government. (1) **DEFINITION.** In this section, "state agency" means any office, department, or independent agency in the executive branch of state government, other than the Board of Regents of the University of Wisconsin System.

1 **(2) LEGISLATIVE AUTHORIZATION REQUIRED.** A state agency may not submit a
2 request to a federal agency for a waiver or a renewal, modification, withdrawal,
3 suspension, or termination of a waiver of federal law or rules or for authorization to
4 implement a pilot program or demonstration project unless legislation has been
5 enacted specifically directing the submission of the request for a waiver, renewal,
6 modification, withdrawal, suspension, termination, or authorization.

7 **(3) LEGISLATIVE OVERSIGHT OF REQUESTS TO FEDERAL AGENCIES.** If submission to
8 a federal agency of a request for a waiver or renewal, modification, withdrawal,
9 suspension, or termination of a waiver of federal law or rules or for authorization to
10 implement a pilot program or demonstration project is required in legislation
11 enacted on or after January 1, 2011, the state agency that is required to submit the
12 request shall do all of the following that apply:

13 (a) When the request has not been submitted to the applicable federal agency,
14 do all of the following:

15 1. Beginning 60 days after the enactment of the legislation requiring the
16 request or March 1, 2019, whichever is later, submit to the joint committee on finance
17 an implementation plan describing the state agency's plan for submitting the
18 request including an expected timeline for submitting the request in which the
19 submission date is no later than 90 days after submission of the implementation plan
20 under this subdivision. If the state agency is unable to submit the request by the date
21 specified in the implementation plan, the state agency may request from the joint
22 committee on finance an extension not to exceed 90 days in a written submission that
23 includes a report on the progress toward submission of the request and the reason
24 an extension is needed. If the cochairpersons of the joint committee on finance do not
25 notify the state agency within 14 working days after the date of the request for an

1 extension under this subdivision that the committee has scheduled a meeting for the
2 purpose of reviewing the extension request, the extension is considered granted. If,
3 within 14 working days after the date of the request for an extension under this
4 subdivision, the cochairpersons of the committee notify the state agency that the
5 committee has scheduled a meeting for the purpose of reviewing the extension
6 request, the state agency may consider the extension granted only upon approval by
7 the committee. No more than 3 90-day extensions may be granted under this
8 subdivision.

9 2. When the state agency has finalized its proposed request before submitting
10 the request to the federal agency, submit the proposed request to the joint committee
11 on finance for approval by the committee. The state agency may submit the proposed
12 request to the appropriate federal agency only upon approval by the committee. The
13 procedures under s. 13.10 do not apply to this subdivision.

14 (b) When the request has been submitted to the applicable federal agency but
15 has not been denied or approved by that federal agency, do all of the following:

16 1. Contact no less frequently than biweekly the federal agency considering the
17 request to continue negotiations in furtherance of approval of the request.

18 2. Beginning 30 days after the date of submission of the request to the federal
19 agency or March 1, 2019, whichever is later, and monthly thereafter, submit to the
20 joint committee on finance a progress report on negotiations with the federal agency
21 toward approval of the request. The state agency shall request from the federal
22 agency a description in writing of any portions of the request that the federal agency
23 has stated will not be approved and reasons for not approving. The state agency shall
24 include in its monthly report under this subdivision any written description from the

1 federal agency regarding any portion of the request that the federal agency has
2 stated will not be approved.

3 3. Beginning 90 days after the date of submission of the request to the federal
4 agency, or March 1, 2019, whichever is later, and quarterly thereafter, make
5 available to the joint committee on finance a representative of the state agency to
6 brief the committee or provide testimony at a committee hearing at the committee's
7 request. The state agency shall ensure that at least one representative of the state
8 agency appearing in person before the committee has sufficient personal knowledge
9 of the negotiations and progress toward approval of the request to respond to
10 inquiries and requests for information by the committee.

11 4. Before final approval of the request by the federal agency, submit the
12 proposed approval as negotiated with the federal agency to the joint committee on
13 finance for approval or disapproval. The joint committee on finance may approve or
14 disapprove but may not modify the proposed approval as negotiated with the federal
15 agency. The state agency may agree to final approval of the request only upon
16 approval by the joint committee on finance. If the joint committee on finance
17 disapproves, the state agency shall withdraw the request or renegotiate the request
18 with the federal agency and resubmit the proposed approval as renegotiated to the
19 joint committee on finance for approval or disapproval. The procedures under s.
20 13.10 do not apply to this subdivision.

21 (c) When the request has been approved in whole or in part by the applicable
22 federal agency but has not been fully implemented by the applicable state agency, do
23 all of the following:

24 1. Beginning 60 days after the date of approval of any portion of the request by
25 the applicable federal agency, or March 1, 2019, whichever is later, submit to the joint

1 committee on finance an implementation plan for the approved portions of the
2 request including the expected timeline for final implementation of the request in
3 accordance with the federal agency's approval. When the state agency submits an
4 implementation plan that it considers its final implementation plan, the state
5 agency may not implement the approved portions of the request until the joint
6 committee on finance approves the final implementation plan. The procedures
7 under s. 13.10 do not apply to this subdivision.

8 2. Beginning 30 days after the date of submission of the implementation plan
9 and monthly thereafter, submit to the joint committee on finance a progress report
10 on implementation of the approved portions of the request.

11 3. Beginning 90 days after the date of approval of any portion of the request by
12 the federal agency, or March 1, 2019, whichever is later, and quarterly thereafter,
13 make available to the joint committee on finance a representative of the state agency
14 to brief the committee or provide testimony at a committee hearing at the
15 committee's request. The state agency shall ensure that at least one representative
16 of the state agency appearing in person before the committee has sufficient personal
17 knowledge of the negotiations and progress toward implementation of the approval
18 of the request to respond to inquiries and requests for information by the committee.

19 (4) REQUESTS FOR RENEWAL. No later than 9 months before the expiration of an
20 approved waiver of federal law, pilot program, or demonstration project for which no
21 legislation has been enacted specifying that the waiver, program, or project must be
22 suspended or terminated, the state agency shall submit a written notice to the joint
23 committee on finance of the expiration date and the state agency's intent regarding
24 renewal. If the state agency intends to request substantive changes to the waiver,
25 program, or project in its request to the federal agency, the state agency shall comply

1 with the procedures under sub. (3). If the state agency intends to renew the waiver,
2 program, or project without substantive changes, notwithstanding sub. (3) and
3 before submitting the renewal request to the federal agency, the state agency shall
4 submit a proposed renewal request to the joint committee on finance. If the
5 cochairpersons of the joint committee on finance do not notify the state agency within
6 14 working days after the date of the submittal of the proposed renewal request
7 under this subsection that the committee has scheduled a meeting for the purpose
8 of reviewing the proposed renewal request, the state agency may submit the
9 proposed renewal request. If, within 14 working days after the date of the submittal
10 of the proposed renewal request under this subsection, the cochairpersons of the
11 committee notify the state agency that the committee has scheduled a meeting for
12 the purpose of reviewing the proposed renewal request, the state agency may submit
13 the proposed renewal request only upon approval by the committee. After reviewing
14 the proposed renewal request and determining any changes requested are
15 substantive, the cochairpersons of the joint committee on finance may require the
16 state agency to comply with any of the procedures under sub. (3). The procedures
17 under s. 13.10 do not apply to this subsection.

18 (5) DELEGATION TO STANDING COMMITTEE. The cochairpersons of the joint
19 committee on finance may delegate to a standing committee of the legislature of
20 appropriate subject matter jurisdiction any of the responsibilities of the joint
21 committee on finance under sub. (3). The cochairpersons shall specify the terms of
22 a delegation under this subsection and shall determine what constitutes an approval
23 under a delegation under this subsection.

24 (6) FUNDING OR POSITION REDUCTION FOR NONCOMPLIANCE. If the joint committee
25 on finance determines that the applicable state agency has not made sufficient

1 progress in submitting the request, negotiating with the federal agency, or
2 implementing an approved portion of a request or is not acting in accordance with
3 the enacted legislation requiring the submission of the request, the joint committee
4 on finance may reduce from moneys allocated for state operations or administrative
5 functions the state agency's appropriation or expenditure authority, whichever is
6 applicable, or change the authorized level of full-time equivalent positions for the
7 state agency related to the program for which the request is required to be submitted.
8 The procedures under s. 13.10 do not apply to this subsection.

9 **SECTION 69.** 35.93 (2) (b) 3. im. of the statutes is created to read:

10 35.93 (2) (b) 3. im. Notices of public comment periods on proposed guidance
11 documents under s. 227.112 (1) (a).

12 **SECTION 70.** 45.57 of the statutes is amended to read:

13 45.57 **Veterans homes; transfer of funding.** The department may transfer
14 all or part of the unencumbered balance of any of the appropriations under s. 20.485
15 (1) (g), (gd), (gk), or (i) to the veterans trust fund or to the veterans mortgage loan
16 repayment fund. The department shall notify the joint committee on finance in
17 writing of any balance transferred under this section.

18 **SECTION 71.** 49.175 (2) (a) of the statutes is amended to read:

19 49.175 (2) (a) The department may not reallocate funds that are allocated
20 under a paragraph under sub. (1) for any purpose specified in a paragraph under sub.
21 (1) ~~if the secretary of administration approves the reallocation unless the~~
22 department first notifies the joint committee on finance in writing of the proposed
23 reallocation. If the cochairpersons of the committee do not notify the department
24 within 14 working days after the date of the department's notification that the
25 committee has scheduled a meeting to review the proposed reallocation, the

1 department may make the proposed reallocation. If, within 14 working days after
2 the date of the department's notification, the cochairpersons of the committee notify
3 the department that the committee has scheduled a meeting to review the proposed
4 reallocation, the department may make the proposed reallocation only upon
5 approval of the committee.

6 **SECTION 72.** 49.175 (2) (c) of the statutes is amended to read:

7 49.175 (2) (c) If the amounts of federal block grant moneys that are required
8 to be credited to the appropriation accounts under s. 20.437 (2) (mc) and (md) are less
9 than the amounts appropriated under s. 20.437 (2) (mc) and (md), the department
10 shall submit a plan to the ~~secretary of administration~~ joint committee on finance for
11 reducing the amounts of moneys allocated under sub. (1). ~~If the secretary of~~
12 ~~administration approves the plan, the amounts of moneys required to be allocated~~
13 ~~under sub. (1) may be reduced as proposed by the department and~~ If the
14 cochairpersons of the committee do not notify the department within 14 working
15 days after the date the department submits the plan that the committee has
16 scheduled a meeting to review the proposed reduction plan, the department shall
17 allocate the moneys as specified in the plan. If, within 14 working days after the date
18 the department submits the plan, the cochairpersons of the committee notify the
19 department that the committee has scheduled a meeting to review the proposed
20 reduction plan, the department may allocated the moneys as specified in the plan
21 only upon approval of the committee.

22 **SECTION 73.** 49.45 (2t) of the statutes is created to read:

23 49.45 (2t) SUBMISSION OF STATE PLAN AMENDMENTS AND PROVIDER PAYMENTS. (a)
24 The department may not submit a Medical Assistance state plan amendment to the
25 federal department of health and human services or implement a change to the

1 reimbursement rate for or make a supplemental payment to a provider under the
2 Medical Assistance program under this subchapter when the amendment, rate
3 change, or payment has an expected fiscal effect of less than \$1,000,000 from all
4 revenue sources over a 12-month period following the implementation date of the
5 amendment, rate change, or payment without submitting the proposed state plan
6 amendment, rate change, or payment to the joint committee on finance for review.
7 If the cochairpersons of the joint committee on finance do not notify the department
8 within 14 working days after the date of the submittal under this paragraph that the
9 committee has scheduled a meeting for the purpose of reviewing the proposed state
10 plan amendment, rate change, or payment, the department may submit the state
11 plan amendment, implement the rate change, or make the payment. If, within 14
12 working days after the date of the submittal under this paragraph by the
13 department, the cochairpersons of the committee notify the department that the
14 committee has scheduled a meeting for the purpose of reviewing the proposed state
15 plan amendment, rate change, or payment, the department may submit the state
16 plan amendment, implement the rate change, or make the payment only upon
17 approval by the committee.

18 (b) The department may not submit a Medical Assistance state plan
19 amendment to the federal department of health and human services or implement
20 a change to the reimbursement rate for or make a supplemental payment to a
21 provider under the Medical Assistance program under this subchapter when the
22 amendment, rate change, or payment has an expected fiscal effect of \$1,000,000 or
23 more from all revenue sources over a 12-month period following the implementation
24 date of the amendment, rate change, or payment without submitting the proposed
25 state plan amendment, rate change, or payment to the joint committee on finance for

1 review. The department may submit the proposed state plan amendment,
2 implement the rate change, or make the payment only upon approval by the
3 committee of the proposed state plan amendment, rate change, or payment
4 submitted under this paragraph.

5 (c) Notwithstanding pars. (a) and (b), the department is not required to submit
6 a proposed change to a reimbursement rate for or supplemental payment to a
7 provider under the Medical Assistance program under this subchapter to the joint
8 committee on finance under par. (a) or (b) if explicit expenditure authority or funding
9 for the specific change or supplemental payment is included in enacted legislation.

10 **SECTION 74.** 49.45 (23b) of the statutes is created to read:

11 **49.45 (23b) CHILDLESS ADULTS DEMONSTRATION PROJECT REFORM WAIVER**
12 **IMPLEMENTATION REQUIRED.** (a) In this subsection:

13 1. "Community engagement activity" includes any of the following:

14 a. Work in exchange for money, goods, or services.

15 b. Unpaid work, such as volunteer work or community service.

16 c. Self-employment.

17 d. Participation in a work, job training, or job search program, as approved by
18 the department, including the employment and training program under s. 49.79 (9),
19 the Wisconsin Works program under ss. 49.141 to 49.161, programs under the federal
20 workforce innovation and opportunity act, and tribal work programs.

21 2. "Exempt individual" means an individual who is any of the following:

22 a. Receiving temporary or permanent disability benefits from the federal or
23 state government or a private source.

24 b. Determined by the department to be physically or mentally unable to work.

1 c. Verified as unable to work in a statement from a social worker or other health
2 care professional.

3 d. Experiencing chronic homelessness.

4 e. Serving as primary caregiver for a person who cannot care for himself or
5 herself.

6 f. Receiving or applying for unemployment compensation and complying with
7 the work requirements for unemployment compensation.

8 g. Participating regularly in an alcohol or other drug abuse treatment or
9 rehabilitation program, except for alcoholics anonymous or narcotics anonymous but
10 including cultural interventions specific to American Indian tribes or bands.

11 h. Attending high school at least half time or enrolled in an institution of higher
12 education, including vocational programs or high school equivalency programs, at
13 least half time.

14 i. Exempt from work requirements under the food stamp program under s.
15 49.79.

16 (b) Beginning as soon as practicable after October 31, 2018, and ending no
17 sooner than December 31, 2023, the department shall do all of the following with
18 regard to the childless adults demonstration project under sub. (23):

19 1. Require in each month persons, except exempt individuals, who are eligible
20 to receive Medical Assistance under sub. (23) and who are at least 19 years of age but
21 have not attained the age of 50 to participate in, document, and report 80 hours per
22 calendar month of community engagement activities. The department, after finding
23 good cause, may grant a temporary exemption from the requirement under this
24 subdivision upon request of a Medical Assistance recipient.

1 2. Require persons with incomes of at least 50 percent of the poverty line to pay
2 premiums in accordance with par. (c) as a condition of eligibility for Medical
3 Assistance under sub. (23).

4 3. Require as a condition of eligibility for Medical Assistance under sub. (23)
5 completion of a health risk assessment.

6 4. Charge recipients of Medical Assistance under sub. (23) an \$8 copayment for
7 nonemergency use of the emergency department in accordance with 42 USC 1396o-1
8 (e) (1) and 42 CFR 447.54.

9 5. Disenroll from Medical Assistance under sub. (23) for 6 months any
10 individual who does not pay a required premium under subd. 2. and any individual
11 who is required under subd. 1. to participate in a community engagement activity but
12 who does not participate for 48 aggregate months in the community engagement
13 activity.

14 (c) 1. Persons who are eligible for the demonstration project under sub. (23) and
15 who have monthly household income that exceeds 50 percent of the poverty line shall
16 pay a monthly premium amount of \$8 per household. A person who is eligible to
17 receive an item or service furnished by an Indian health care provider is exempt from
18 the premium requirement under this subdivision.

19 2. The department may disenroll under par. (b) 5. a person for nonpayment of
20 a required monthly premium only at annual eligibility redetermination after
21 providing notice and reasonable opportunity for the person to pay. If a person who
22 is disenrolled for nonpayment of premiums pays all owed premiums or becomes
23 exempt from payment of premiums, he or she may reenroll in Medical Assistance
24 under sub. (23).

1 3. The department shall reduce the amount of the required household premium
2 by up to half for a recipient of Medical Assistance under sub. (23) who does not engage
3 in certain behaviors that increase health risks or who attests to actively managing
4 certain unhealthy behaviors.

5 (d) The department shall comply with any other requirements not specified
6 elsewhere in this subsection that are imposed by the federal department of health
7 and human services in its approval effective October 31, 2018.

8 (e) Before December 31, 2023, the demonstration project requirements under
9 this subsection may not be withdrawn and the department may not request from the
10 federal government withdrawal, suspension, or termination of the demonstration
11 project requirements under this subsection unless legislation has been enacted
12 specifically allowing for the withdrawal, suspension, or termination.

13 (f) The department shall comply with all applicable timing in and requirements
14 of s. 20.940.

15 **SECTION 75.** 49.79 (9) (d) 1. of the statutes is repealed.

16 **SECTION 76.** 49.79 (9) (d) 2. of the statutes is renumbered 49.79 (9) (d) and
17 amended to read:

18 **49.79 (9) (d)** ~~Subject to the promulgation of rules under subd. 1. s. 49.791,~~ the
19 department shall screen and, if indicated, test and treat participants in an
20 employment and training program under this subsection who are able-bodied adults
21 for illegal use of a controlled substance without a valid prescription for the controlled
22 substance. Eligibility for an able-bodied adult to participate in an employment and
23 training program under this subsection is subject to s. 49.791.

24 **SECTION 77.** 49.791 of the statutes is created to read: